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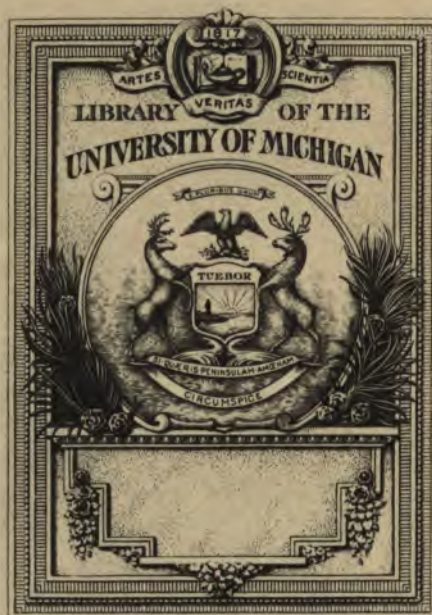
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BROWN'S
SCHOOL HISTORY



OF TEXAS



THE GIFT OF
Miss Edna C. Spaulding

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Mrs. Mary Harris
March 189
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Miss. O. ...
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Dallas, Tex.





SAM HOUSTON.

A
SCHOOL HISTORY OF
T E X A S
FROM ITS DISCOVERY IN 1685 TO 1893

FOR THE USE OF
SCHOOLS, ACADEMIES, CONVENTS, SEMINARIES,
AND ALL INSTITUTIONS OF LEARNING

PREPARED FROM THE GENERAL HISTORY OF
JOHN HENRY BROWN

BY
MRS. MARY M. BROWN

DALLAS, TEXAS
PUBLISHED BY THE AUTHOR
1894

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**Press of J. J. Little & Co.
Astor Place, New York**

7-10-36
12-21-36

CONTENTS.

	PAGE
INTRODUCTION	11
CHAPTER I.	
INDIANS OF TEXAS	13
CHAPTER II.	
CLAIMS TO RIGHT OF POSSESSION OF TEXAS BY SPAIN—SPANISH ADVENTURERS—FRENCH EXPEDITION BY LA SALLE—FATE OF THE SAME—CARANCAHUAS ACCUSED	16
CHAPTER III.	
JEALOUSY OF SPANIARDS AROUSED—VISIT OF DE LEON TO TEXAS —DISCOVERIES OF DE LEON, WHO PROJECTS MISSIONS—ARRIVAL OF TERAN WITH PRIESTS FOR MISSIONS—ABANDONMENT OF MIS- SIONS	21
CHAPTER IV.	
FRENCH EXPEDITIONS RENEWED	23
CHAPTER V.	
PRIESTS RESTORED TO THEIR CHURCHES—COLONISTS FROM CANARY ISLANDS—MEXICO ECONOMIZES—REDUCES NUMBER OF SOLDIERS FOR PROTECTION OF MISSIONS AND SETTLERS	28
CHAPTER VI.	
APPOINTMENT OF SANDOVAL AS GOVERNOR—HIS SUCCESSOR	31
CHAPTER VII.	
MISSION RUINS AT SAN ANTONIO	33
CHAPTER VIII.	
PHILIP NOLAN'S EXPEDITION TO TEXAS—HIS PURSUIT AND DEATH BY SPANIARDS—IMPRISONMENT AND DEATH OF HIS MEN—EVI- DENCE OF HIS BETRAYAL	38

CHAPTER IX.

	PAGE
PIKE'S EXPEDITION—HIS REPORT OF THE COUNTRY—TROUBLE ABOUT BOUNDARIES—RE-GARRISONING TEXAS FORTS WITH SPANIARDS TO WATCH THE FRENCH—A WAR AVERTED	39

CHAPTER X.

BEGINNING OF THE MEXICAN REVOLUTION AGAINST SPAIN—THE GA- CHUPIN WAR—THE MAGEE, GUTIEREZ, AND LARA EXPEDITION .	42
--	----

CHAPTER XI.

BATTLE OF THE SALADO—SURRENDER OF SAN ANTONIO TO KEMPER —MURDER OF SALCEDO, HERRERA, AND OTHERS BY DELGADO, CAPTAIN ROSS IN COMMAND—GENERAL ELISONDO APPEARS— BATTLE—ELISONDO DEFEATED	45
---	----

CHAPTER XII.

ARRIVAL OF TOLEDO—BATTLE OF THE MEDINA—BETRAYAL AND FATAL RESULTS	48
--	----

CHAPTER XIII.

GALVESTON—HERRERA TAKES POSSESSION—MINA'S EXPEDITION— DEATH OF PERRY'S COMMAND—PERRY'S DEATH BY HIS OWN HAND—LA FITTE	50
---	----

CHAPTER XIV.

LA FITTE THE PIRATE (<i>continued</i>)—HE IS DRIVEN FROM GALVESTON	53
--	----

CHAPTER XV.

LONG'S FIRST EXPEDITION	56
-----------------------------------	----

CHAPTER XVI.

LONG'S SECOND EXPEDITION INTO TEXAS, TAKEN PRISONER, RELEASED, AND ASSASSINATED	57
--	----

CHAPTER XVII.

FIRST AMERICAN COLONIZATION IN TEXAS—MOSES AUSTIN—STEPHEN F. AUSTIN	60
--	----

CHAPTER XVIII.

	PAGE
COLONIZATION (<i>continued</i>)—FIRST ARRIVAL OF A VESSEL WITH SUPPLIES—AUSTIN ARRIVES WITH FAMILIES BY LAND—CARANCAHUA INDIANS—FIGHT WITH THE INDIANS—OTHER SETTLERS . . .	63

CHAPTER XIX.

STEPHEN F. AUSTIN'S SUCCESS IN MEXICO AND HIS RETURN—OTHER APPLICANTS FOR GRANTS	65
--	----

CHAPTER XX.

THE COLONIES OF DE LEON, DE WITT, AND EDWARDS	69
---	----

CHAPTER XXI.

HADEN EDWARDS' COLONY (<i>continued</i>)—FREDONIAN WAR—COLONY BROKEN UP	72
---	----

CHAPTER XXII.

NACOGDOCHES—GROWTH OF COLONIES—PROCLAMATION OF THE CONSTITUTION OF COAHUILA AND TEXAS—SETTLEMENT OF THE COAST LEAGUES—LOCAL GOVERNMENT OF COLONIES—RELIGION OF COLONISTS—EDUCATIONAL FACILITIES	76
---	----

CHAPTER XXIII.

BRADBURN AT ANAHUAC—ARREST OF COLONISTS—TURTLE BAYOU RESOLUTIONS—VELASCO	78
--	----

CHAPTER XXIV.

VISIT FROM PIEDRAS TO ANAHUAC—BATTLE OF VELASCO, JUNE 26, 1832—BRADBURN DISMISSED	83
---	----

CHAPTER XXV.

BUSTAMENTE'S OVERTHROW IN MEXICO BY SANTA ANNA—FIGHT AT NACOGDOCHES	86
---	----

CHAPTER XXVI.

FIRST CONVENTION (<i>continued</i>)—MEXICAN OPPOSITION	90
--	----

CHAPTER XXVII.

SECOND CONVENTION—OPPOSITION TO SAME BY MEXICAN AUTHORITIES—AUSTIN'S ARREST AND IMPRISONMENT IN MEXICO	93
--	----

CHAPTER XXVIII.		PAGE
THE PARKERS—DE LEON'S AND OTHER COLONIES—CASUALTIES	.	96
CHAPTER XXIX.		
ESTABLISHMENT OF COURTS—SANTA ANNA SENDS ALMONTE INTO TEXAS—OBJECTS OF HIS VISIT—REPORT TO SANTA ANNA	.	99
CHAPTER XXX.		
THE ELECTION OF 1835—MEETING OF THE LEGISLATURE AT MONCLOVA, IN COAHUILA—SALE OF LANDS—DISARMING THE LOCAL MILITIA—INDIAN TROUBLES—ORDER TO ARREST TEXAS CITIZENS		103
CHAPTER XXXI.		
DISARMING THE PEOPLE—ORGANIZATION OF THE ARMY—BATTLE OF CONCEPCION—THE CONSULTATION OF 1835		108
CHAPTER XXXII.		
THE GENERAL CONSULTATION—STORMING OF SAN ANTONIO—AUSTIN LEAVES THE ARMY		114
CHAPTER XXXIII.		
THE GRASS FIGHT—STORMING OF SAN ANTONIO—DEATH OF MILAM		117
CHAPTER XXXIV.		
POWERS OF THE PROVISIONAL GOVERNOR—POWERS OF THE COUNCIL—JOHNSON AND GRANT—ACTS OF THE PROVISIONAL COUNCIL	.	121
CHAPTER XXXV.		
SIEGE AND FALL OF THE ALAMO		127
CHAPTER XXXVI.		
FANNIN AT VELASCO—KILLING OF JOHNSON'S MEN—FATE OF GRANT AND HIS MEN—DECLARATION OF INDEPENDENCE		133
CHAPTER XXXVII.		
FANNIN'S ORDER TO RETREAT—KING'S MASSACRE—WARD'S FATE—FANNIN'S BATTLE AT ENCINAL DEL PERDIDO—SURRENDER	.	137
CHAPTER XXXVIII.		
SHOOTING OF FANNIN AND HIS MEN—RESPONSIBILITY DENIED		143

CHAPTER XXXIX.		PAGE
HOUSTON'S RETREAT—ORGANIZATION OF THE ARMY—PANIC		145
CHAPTER XL.		
THE BATTLE OF SAN JACINTO		147
CHAPTER XLI.		
BATTLE OF SAN JACINTO (<i>concluded</i>)		151
CHAPTER XLII.		
RESULTS OF THE BATTLE OF SAN JACINTO		155
CHAPTER XLIII.		
THE ARMY		160
CHAPTER XLIV.		
ORGANIZATION OF THE GOVERNMENT UNDER THE REPUBLIC		163
CHAPTER XLV.		
INDIANS		169
CHAPTER XLVI.		
LAMAR'S ADMINISTRATION		172
CHAPTER XLVII.		
REPUBLIC OF THE RIO GRANDE		178
CHAPTER XLVIII.		
NOETH-EAST BOUNDARY LINE BETWEEN TEXAS AND THE UNITED STATES		183
CHAPTER XLIX.		
HOUSTON'S SECOND ADMINISTRATION		189
CHAPTER L.		
BATTLE OF SALADO—DEATH OF CORDOVA—THE DAWSON MASSACRE		194
CHAPTER LI.		
THE SOMERVELL CAMPAIGN—UNITED STATES ANXIOUS FOR PEACE BETWEEN TEXAS AND MEXICO		200

CHAPTER LII.		PAGE
THE MIER EXPEDITION		205
CHAPTER LIII.		
MIER PRISONERS DRAWING THE BEANS AT SALADO MASSACRE		209
CHAPTER LIV.		
SNIVELY EXPEDITION, APRIL, 1843—FOREIGN IMMIGRATION		213
CHAPTER LV.		
PEACE WITH MEXICO URGED—QUESTION OF ANNEXATION—WAR WITH THE REGULATORS AND MODERATORS		218
CHAPTER LVI.		
ELECTION OF PRESIDENT—ANNEXATION—STATE GOVERNMENT		224
CHAPTER LVII.		
WAR BETWEEN THE UNITED STATES AND MEXICO		227
CHAPTER LVIII.		
CLAIM TO SANTA FÉ REVIVED		231
CHAPTER LIX.		
RESERVE INDIANS		236
CHAPTER LX.		
THE CIVIL WAR BETWEEN THE STATES		238
CHAPTER LXI.		
BANKS' INVASION		243
CHAPTER LXII.		
DAVIS'S ADMINISTRATION—COKE'S ADMINISTRATIONS		246
CHAPTER LXIII.		
HUBBARD'S ADMINISTRATION		251
CONSTITUTION OF THE STATE OF TEXAS		257
TEXAS FLAGS		307
GOVERNORS AND PRESIDENTS OF TEXAS		309
PRONUNCIATIONS		311
INDEX		313

INTRODUCTION.

THIS "School History of Texas" claims the advantage of superior opportunities for arriving at truth. Without prejudice or partiality, the writer has been able to turn a strong light upon portions of the history hitherto obscure, by which results may be traced to their real causes.

A list of disconnected events, with even correct dates, cannot awaken enthusiasm in the learner, nor can the mere recital of entertaining and heroic incidents satisfy the searcher after truth. It is sincerely hoped and confidently believed that this work will not be found wanting in either particular. It has been compiled with scrupulous care from the manuscript of my "General History of Texas," and is offered with these assurances to the institutions of learning throughout the State.

JOHN HENRY BROWN.

A SCHOOL HISTORY OF TEXAS.

CHAPTER I.

INDIANS OF TEXAS.



PLACIDO, CHIEF OF THE TONCAHUAS.

THERE was very little of the territory of Texas not occupied by different tribes of Indians, most of them having villages, from which they roamed in hunting or thieving expeditions, or in making war upon each other; while some, naturally inclined to peace, cultivated their grounds, manufactured their own clothing, and, with some forms of government, enjoyed many of the comforts of civilized life. No satisfactory conclusion as to the origin of these Indians has been reached. They seemed

as indigenous to the soil as the forests and canebrakes among which they roamed. While they were all Indians, there were characteristic differences between the different tribes, which the white settlers were not long in discovering.

The Carancahuas occupied the coast country. They were foot Indians; but, with light canoes, penetrated the

shallow bays and rivers in hunting excursions for sea-fowl and fish. They were no man's friend. They disappeared before 1850.

The Toncahuas roamed over the country of the Guadalupe, Navidad, and Lavaca rivers. They were ever the friends of the Texans. Placido, their last chief, was, with a number of his warriors, associated with General Edward Burleson, Colonel John H. Moore, and others in various expeditions against the Comanches, whom the Toncahuas feared and hated.

The Comanches and Kiowas were the most numerous and vindictive of all the Indian tribes within the limits of Texas. From their villages in the mountains and around the sources of the streams they extended their expeditions from the Gulf to the region of Santa Fé, and as far east as the Trinity. Mounted on their fleet horses, their attacks were sudden and their escape almost certain. They kept no treaty which their avarice, or their vindictiveness, prompted them to violate.

The Lipans were Mexican Indians, many of them speaking the Spanish language. They fought with Mexico in the republican ranks during their revolution. For several years, from about 1836 to 1843, they were in alliance with Texas as scouts. After the latter date, returning to Mexico, they became implacable enemies to Texas, and so continued as long as the border remained open to their incursions.

The Apaches were from the regions of New Mexico and Arizona, and were ever fierce and warlike.

The Caddos were from Louisiana, and embraced the bands, under different names, who had considerable villages from the Sabine and Red River to the Trinity. They had farms, which were well stocked, and in many respects gave evidence of continued peace and superior civilization. They were faithful friends of the French in Louisiana.

While the Wacos, like the Caddos, had cultivated fields,

and horses, and built themselves comfortable houses, they were less friendly and less reliable. They gave the early white settlers no little trouble in forays and hostilities. Their chief villages were on the Brazos and upper Trinity.

The Tehuacanos were on the northeast of the Wacos; their neighbors were the Pawnees and Anadacos.

The Keechis, in the east, were a weird, juggling, crafty, low race, held in contempt and hatred by all. They were early much reduced in numbers.

The Wichitas, a fierce and numerous tribe, inhabited the Red River and Upper Cross Timber country and the Wichita Mountains.

The home of the Pueblo Indians of Texas has, for many centuries, been in the country around their town YSLETA, on the Rio Grande. They are credited with being the builders of cities whose ruins have excited the interest of explorers through California and New Mexico, as with others who built in Mexico in the sixth century, along the route from their original homes in Asia, stopping for long periods at different points and building for those who came after and drove them onward. After the Spanish conquest the Pueblos readily adopted the religion which the Roman Catholic priests introduced, and accepted the peaceful occupation of shepherds, when Coronado introduced sheep among them in 1540. Ysleta is said to be the most ancient town of North America, and still preserves the original style of architecture. The Pueblos are but little changed by their citizenship in the United States. Their chieftaincy is hereditary, and their records have been preserved for centuries.

The Alabamas, Cooshatties, and Muscogeas, inoffensive Indians, in receding from Alabama, found refuge in the deserted villages of a tribe of Caddos, southeast of the Trinity. They have never been sent to the "Reserves" or to the Indian Territory, with remnants of numerous tribes, but have remained in peaceable relations with the white inhabitants of

that region, where they have made substantial advances in civilized life.

The Aranamas and the Anaquas were in the southwest, in and around Goliad. They disappeared before the American settlers occupied the country to any extent.

QUESTIONS.—What territory of Texas was occupied by Indians? How did they support themselves? Were all inclined to thieving and making war upon each other? How were they supported? Did they have any forms of government? What is known of their origin? Were there characteristic differences between the tribes? What tribe occupied the coast country? Did they have horses? What was their mode of travel on hunting expeditions? Were they friendly Indians? When did they disappear? What territory did the Toncahuas occupy? How did they feel towards the Texans? Who was their last chief? With whom were they associated in expeditions against the Comanches? What tribes were the most numerous and vindictive? Through what regions did they extend their expeditions? What was their mode of travel? What was their method of attack? Did they keep their treaties? Where were the Lipans from? What language did they speak? How did they assist Mexico? What was their first attitude towards Texas? What was it after 1843? Where were the Apaches from? What was their character? Who were the Caddoes? What territory did they occupy? What was their character? Were they faithful to the whites? How did the Wacos compare with the Caddoes? Where were their chief villages? Where were the Tehuancanos? Who were their neighbors? Where were the Keechis? What was their character? What of their numbers? What was the character of the Wichitas? What country did they inhabit? Where is the home of the Pueblo Indians? With what have they been credited? How did the Spanish conquest affect them religiously? What occupation did they adopt? What is said of Ysleta? What can be said of them now? What was the character of the Alabamas, Cooshatties, and Muscogeas? Where did they find refuge? What of them now? What can you tell of the Aranamas and Anaquas?

CHAPTER II.

CLAIMS TO RIGHT OF POSSESSION OF TEXAS BY SPAIN—
SPANISH ADVENTURERS—FRENCH EXPEDITION BY LA
SALLE—FATE OF THE SAME—CARANCAHUAS ACCUSED.*

The right of possession of Texas was claimed by Spain, France, and, later, by the United States. Spain claimed Texas

* RULES OF INTERNATIONAL LAW ESTABLISHED BY THE GOVERNMENTS OF EUROPE, IN REGARD TO THEIR AMERICAN DISCOVERIES.

Rule 1st. "When any European nation takes possession of any extent of sea-coast, that possession is understood as extending into the interior country to the sources of the rivers emptying within that coast, to all their branches

by right of the discovery of America by Christopher Columbus in 1492, under the auspices of Ferdinand and Isabella; second, by the conquest of Mexico by Cortez in 1521, under Charles V. of Spain; third, by royal order from Philip II. of Spain, prohibiting all foreigners from entering the Gulf of Mexico, or any of the territories lying around it, under pain of extermination; and, fourth, by four voyages entering the Gulf of Mexico, under royal auspices, within the years 1512 and 1538. Spain made no attempt to occupy Texas with a colony before France. An occasional Spanish adventurer visited some of the Indian villages. Four men, survivors of an expedition fitted out from the West Indies in 1528, under Pamphilio de Narvaez, and landing in Tampa Bay, in their six years' roving with different tribes of Indians, passed through Texas into Mexico. These men gave such exaggerated accounts of the wealth of the people and the great cities they had seen, as to inflame the greed of the Spanish. Under this delusion, Coronado, a Spanish general, visited Ysleta, erected the cross, and introduced sheep and horses among the Pueblo Indians of that region. He did the same in Santa Fé in 1582, that city being laid out by Oñate about ten years later.

FRENCH EXPEDITION.

The French in Canada learned, from the Indians around the great northern lakes, of a great river, rising far in the

and the country they cover, and to give it a right in exclusion of all other nations to the same."

Rule 2d. "Whenever one European nation makes discoveries and takes possession of any portion of this continent, and another afterwards does the same, at some distance from it, where the boundary between them is not determined by the principle above mentioned, that the middle distance becomes such, of course."

Rule 3d. "Whenever any European nation has thus acquired a right to any portion of territory on this continent, that right can never be diminished or affected by any other power, by virtue of purchase made, by grants or conquests of the natives within the limits thereof."

north, running, with wide-spreading branches, many miles through magnificent forests, and emptying itself, by many mouths, into the sea. To take possession of the country through which this river ran, and build a city at its mouth, in the name of Louis XIV. of France, was the object of the first exploring expedition fitted out from Canada in 1673, and of two others, the latter from France, in 1684.

The leader of these expeditions was the Chevalier Robert de la Salle, a Frenchman of Norman descent. La Salle returned to France after his second expedition, and succeeded in enlisting the king in his "magnificent enterprise." This expedition was fitted out at the expense of the French government.

La Salle was furnished four vessels, with one hundred soldiers, one hundred and eighty persons for laborers and artisans, with families, with seven Roman Catholic priests, and all necessary preparations for establishing the contemplated colony at the mouth of the Mississippi. They set sail from the port of Rochelle on July 24, 1684. During a storm, when they were near San Domingo, which belonged to Spain, the fleet became separated, and the *St. François* was captured by the Spaniards. After the three remaining vessels were reunited they entered the Gulf of Mexico and continued to sail west, until, passing the mouths of the Mississippi, they were nearing the coast of Mexico. They reversed their course, and entered an inlet which they took to be a mouth of the Mississippi. As they were crossing the bar, which proved to be the entrance to Matagorda Bay, the *Aimable* was wrecked. On February 18, 1685, some of the men landed, while others proceeded up the bay, exploring as they went, and made a second landing. La Salle, sailing about six miles up a river, which he named La Vaca (The Cow), landed on its left bank. He took possession in the name of Louis XIV. of France, erected the cross, built a *small church*, and a fort with intrenchments, which he gar-

risoned and named St. Louis. They planted crops, and provided for the care of the animals and fowls which they had brought with them.

Two of La Salle's most reliable men, Des Loges and Oris, were killed by Indians on account of an affront offered them by Du Hamel, lieutenant of the *Joli*. Several were taken prisoners, who were afterwards rescued. Other calamities followed. On March 12 Beaujeau, the sailing-master of the fleet, took the *Joli*, with the captain and crew of the wrecked *Aimable* and most of the cannon balls from the fort, and returned to France. Five men, sent in canoes to sound the bay, with the view of bringing up *La Belle*, their only remaining vessel, a present to La Salle from the king, were killed by Indians, and their bodies found where they had camped.

Charmed with the abundance of game and fish, and with the ready yield of the newly cultivated fields, they passed the summer; the winter La Salle, with twenty men, spent in exploring the country on foot. They discovered the Colorado, explored the surrounding country, and returned to find that many of the colonists had been sick, several had died, and a mutiny was barely suppressed.

In April, 1686, La Salle, with the same number of men, travelled easterly as far as the Neches, where he was rejoiced to find a welcome among the Nassonite Indians. Here he was confined with a slow fever, from which he recovered to find his company reduced to eight men, their ammunition wasted, and their food exhausted. They retraced their steps to the fort for fresh supplies. Arriving in August, they found the colony still farther diminished, and the discontent greatly increased.

Determined, if possible, to redeem his pledges to his king, La Salle fitted out a third expedition to search for the mouths of the Mississippi. In January, 1687, he bade adieu to his colony, performing the most solemn religious rites in

their little church, loaded portable canoes, constructed mostly of buffalo-hides, with the greater part of their merchandise, silverware, and money, and started again across the country, leaving seventeen persons, including the women, the Sieur Barbier being left in charge.

Among those accompanying La Salle were his brother and two nephews, the good Father Anastasé, De Marle, Hiens, Liotot, Teissier, his old servant, Saget, and Nika, an Indian hunter, who had come with him from Canada. They halted near their old camp on the Neches, to procure and dry buffalo meat for their long journey. While out for the purpose of bringing in meat, a quarrel began, in which several of the men became involved, and the next night Liotot killed Moranget (La Salle's nephew), Saget, and Nika in their sleep. La Salle, becoming uneasy on account of their long absence from camp, started with the Father Anastasé and two Indian guides in search of them. Duhaut concealed himself in the tall grass and shot La Salle. He fell (March 19, 1687), and expired without speaking. The Father Anastasé, whose hand he pressed in dying, dug his grave and buried him, erecting a cross on the spot.

Duhaut and Liotot were killed. Hiens took possession of the treasure, dressed himself in La Salle's scarlet uniform, and offered himself a leader to the peaceable Indians. Seven of the men remained for a time with Hiens. Only five were known to have returned to France. De Marle was afterwards drowned in Red River.

The Carancahuas were accused of the death or dispersion of those who remained in the fort. The Spanish claimed to have found several among the Indians, whom they restored to their friends. A veil is over their fate.

This was the first attempt at colonization in Texas by white men.

QUESTIONS.—By whom was the right of Texas claimed? First, by what rights did Spain lay her claims? Second? Third? Fourth? Had Spain made any attempt to

occupy Texas? What of the account of the four men from the West Indies? What effect had this upon the Spanish? What did Coronado do? What did the French in Canada learn from the Indians? What did the French undertake? Who was their leader? What was the result of his visit to France after the second expedition? By whom was it fitted out? Of what did it consist? From where and when did they sail? What occurred during a storm? What course did the remaining vessels pursue after the storm? What occurred at the crossing of the bar? When did some of the men land? What did others do? What name was given the river? What was their first work? What calamity now happened? What occurred on March 12? What happened to the men sent to bring up the last remaining vessel? How was the summer spent? The winter? What was the result? What did La Salle do in April, 1686? What occurred while he was with these Indians? What did he find on his recovery? What did he do? What was the condition of affairs on their arrival at the fort? What did La Salle then resolve to do? When did he leave his colony? What did he do with the merchandise? How did they travel? How many were left behind, and who was in charge? Who accompanied him? For what purpose did they halt? What occurred while the party was out hunting? What did La Salle do? What was the result? What was the date of this occurrence? What became of Duhaut and Liotot? What did Hiens then do? What finally became of the remaining men? Of what were the Carancahuas accused? What did the Spanish claim? What was this expedition?

CHAPTER III.

JEALOUSY OF SPANIARDS AROUSED—VISIT OF DE LEON TO TEXAS—DISCOVERIES OF DE LEON, WHO PROJECTS MISSIONS—ARRIVAL OF TERAN WITH PRIESTS FOR MISSIONS—ABANDONMENT OF MISSIONS.

WHEN the Viceroy of Mexico, Count de Monclova, learned, from Don Alonzo de Leon, Governor of Coahuila, through information conveyed by wandering Indians to the Roman Catholic missionary, Fray Damien Martinez, that there were white men with beards living on the coast of the Gulf of Mexico, not far from the Rio Grande, he ordered De Leon to collect all the available troops from the garrisons at Saltillo and Monclova, penetrate into Texas, and exterminate every foreigner in the country.

Leaving Monclova (capital of Coahuila) March 23, 1689, with Father Martinez, De Leon crossed into Texas, and, with friendly Indians as guides, on the 26th day of April reached the place where La Salle had attempted a settlement. They

found the ruins of Fort St. Louis, a house with the inscription "1685," and farther down the bay the wreck of *La Belle*. Not a Frenchman was to be found, nor any tidings heard of the women who had been left in the fort. All was deserted. De Leon caused mass to be celebrated, and took possession in the name of the King of Spain. The Indians did not wish to be baptized unless the father would go with them to their country, which was "*far away*." Extending his travels, De Leon visited the Indian villages on the Trinity and Neches. At the latter place the Indians retained a friendly recollection of La Salle. Here he found two Frenchmen, whom he accused of being accessory to La Salle's death, and, it was said, condemned them to perpetual labor in the mines of Mexico.

The Indians embraced the Spaniards cordially, exclaiming "Friends! Friends!" (*Tehias! Tehias!*) Receiving evidences from other Indians of similar good-will, he called them all "*Tehias*," hence the name "*Texas*." [See Spanish records in San Antonio.] (All Mexico, after the conquest, bore the name of "*New Spain*.")

Returning to Monclova, De Leon reported to the viceroy that there was not a foreigner on the soil of Texas. It was then resolved by the council of the viceroy to establish a mission at Fort St. Louis, La Salle's fort.

In 1690 De Leon returned to Texas, and projected the missions of "*San Francisco*," at Fort St. Louis, and "*San Juan Bautista*," near the Rio Grande, which became a presidio, or fortified mission.

The King of Spain favored the establishment of missions in Texas, as thereby the Indians would be brought under control, made useful in the development of the country, and serve as barriers to the entrance of foreigners.

In 1691 De Leon's successor, Don Domingo de Teran, with nine Franciscan friars, under the supervision of Fray Juan *Capistran*, Commissioner-General of Missions, came into the

country, with extensive preparations for the establishment and protection of missions and the cultivation of farms, and ranches for horses and cattle, and soldiers, for protection against hostile Indians ; also for bringing reluctant subjects within reach of religious instruction. Teran established missions in the east, and on the principal streams where the Indians had villages, placed the friars in charge, and, as the Indians exhibited no hostility, the enterprise promised well. San Antonio was laid out in 1692, and shared largely in the benefits dispensed by Teran. In May, 1693, Don Gregorio Salinas led an expedition into Texas, for a similar purpose, but finding that the Indians had rebelled, and that drought had destroyed the crops and the pastures, he advised the abandonment of the country; to which Philip of Spain added, *"Until such time as circumstances should offer more hope of success."*

QUESTIONS.—How did the Viceroy of Mexico learn of La Salle's expedition ? What did he order De Leon to do ? When did De Leon leave Monclova ? What did he find on his arrival at Fort St. Louis ? What did he then do ? Where did he go next ? Whom did he find at Neches ? What was their fate ? How did the Indians receive the Spaniards ? What is the meaning of "Tehias" ? What was De Leon's report on his return ? What was then determined ? What did De Leon do in 1690 ? Why did the King of Spain favor missions in Texas ? For what purpose did De Leon's successor come into the country ? Where were missions established ? When was San Antonio laid out ? When did Don Gregorio enter Texas ? What did he advise ?

CHAPTER IV.

FRENCH EXPEDITIONS RENEWED.

THE French renewed their claim to Texas in 1699. Iberville, the French Governor of Louisiana, in a plan to settle a colony on the Mississippi, assumed the Rio Grande as the southwestern boundary of Louisiana, based upon the attempts of La Salle to colonize at Fort St. Louis under the patronage of Louis XIV. of France. This claim was not established. Again, in 1712, King Louis XIV. of France granted the valley

of the Mississippi and its branches to an enterprising Frenchman—Anthony Crozat. He claimed Texas for the French, and included in his plans the opening up of a national thoroughfare through the country for purposes of commerce between Louisiana and Mexico. He also hoped to obtain an interest in the mines of Mexico. After about five years of experiments and spending large amounts of money, with losses of merchandise and imprisonment of his agents under suspicion of carrying on a contraband trade, he surrendered his charter in 1717 to a French Mississippi trading company.* This company sent a lieutenant and about twenty-

* *Romantic experience of St. Denis*, one of the agents of Anthony Crozat, condensed from the records of this expedition in the old archives of San Antonio, translated by Senor de Castro.

"Jaucereau de St. Denis was a young officer from the French army in Canada—a man of extraordinary strength, gifted with an iron will, a fine personal appearance, a good education, and the heart of a lion."

He started from Mobile, then the capital of Louisiana, came up the Mississippi and Red Rivers to the Natchitoches, where he founded the present city of that name. He had with him thirty hunters and trappers from Canada. Twelve of these he took with him, and leaving the remainder at his small fort at Natchitoches to watch the Spaniards, who had a small garrison at Nacogdoches to watch the French, he started in August, 1714, on the expedition, taking with him an amount of merchandise to trade with the Mexicans in exchange for cattle and horses.

They travelled west, and arrived at the Neches, where, twenty-six years before, La Salle met his tragic death. The friendly Indians at this place furnished him guides across the country to the Presidio of San Juan Bautista, near the Rio Grande, a mission and an extreme frontier post.

On arriving at the post he immediately exhibited to Villesecas, the military commander of that post, his passport from Cordillac, the French Governor of Louisiana, which represented that the bearer had only in view to establish a trade between Mexico and Louisiana.

Villesecas detained St. Denis under pretext of obtaining the consent of Don Gaspardo Anaya, Governor of Coahuila, to so new an enterprise, while he extended to the handsome young cavalier the elegant hospitalities of his house.

In the meantime he had captivated the heart of the Donna Maria Villesecas, the young daughter of the commandante. Unhappily for them, Governor Anaya was a jealous, because unsuccessful, suitor for the young lady's hand. *After a long delay the governor sent an escort of twenty-five heavily armed*

five soldiers to occupy Fort St. Louis, which was, however, but a temporary expedition.

In 1718-19, during the war between France and Spain, Bernard de la Harpe, by direction of Bienville, the French

men, who took St. Denis in irons to Monclova, where he was imprisoned. The governor visited him in his cell, and offered him his freedom on condition that he would relinquish his claim to the young lady's hand. This he indignantly refused to do.

Anaya increased the rigors of his imprisonment, and, at the end of six months, sent a messenger to the Donna Maria, offering to release St. Denis if she would marry *him*, but if she refused, St. Denis should die. She replied that she would never marry him, and that if St. Denis was put to death by his order, or died in consequence of harsh treatment, his own life should surely pay the forfeit.

She sent a trusty messenger to the Viceroy of Mexico, informing him that "a young Frenchman, supposed to be a spy, had been for six months in the hands of the Governor of Coahuila, who was holding him for the ransom which he hoped to appropriate to his own use."

The viceroy sent an armed guard, and St. Denis, heavily ironed, was placed on horseback and taken to the City of Mexico, where he was again imprisoned.

His hair and beard had grown so that his physiognomy could hardly be seen. No one, in that miserable being, broken down by suffering, would ever have recognized the gallant French adventurer.

After several months' delay, Donna Maria sent a messenger to the viceroy, with the following note: "*In the prisons of Mexico a gentleman is unjustly detained, and upon whose character the good faith of your excellency has been betrayed. Before God you will be accountable for his death, now that you are notified.*"

The viceroy sent a French officer who had taken service in the Spanish army, as many French officers did, with a squad of soldiers, to inspect all the prisons in the city. The officer and soldiers entered unannounced into St. Denis' cell, who supposed his last hour was at hand.

"The officer advanced towards that human form which lay prostrate on the floor of the cell, and addressed him in Spanish: 'Who are you, and why are you here?' He answered feebly in French: 'My name is Jeaucereau St. Denis. I am a gentleman by birth, a prisoner by treason, and I am waiting for justice to be done me.'"

The officer, much excited, asked, "Were you not born in Canada?"

"Yes."

"You have been raised in France?"

"Yes."

"Did you not go to Louisiana to make a fortune?"

Colonial Governor of Louisiana, undertook an expedition for the purpose of establishing the French claim.

With a small command he entered the country, broke up the missions in the east and at Nacogdoches, driving the

“Yes.”

He then ordered the Irons to be instantly stricken from him, and embraced the shrunken figure affectionately.

“And who are you?” asked St. Denis.

“I am the Marquis of Lanarge.”

The surprise and joy were mutual. They found in each other the playmate of childhood and the schoolmate of later years, whose paths had diverged to meet again in this remarkable manner.

St. Denis remained in that gay capital until his health was restored, the recipient of devoted attention from admiring friends (as he always was). He afterwards rescued the viceroy, the Duke of Linarez, from three masked ruffians. He received urgent and tempting invitations to join the Spanish service. “I can serve but one God and one king. I am a Frenchman, and, much as I esteem the Spaniards, I must remain a Frenchman.”

He had improved the opportunity to place before the viceroy the plans of Crozat, urging upon his notice the great advantage it would be to Mexico to share in a more extended commerce, by which also he was able to explain the reasons for his strange adventures. This proposal was treated with the usual delays, and finally refused, under pretext of a “decree” from the King of Spain.

He determined to return to the Presidio, claim his bride, look after the goods he had left, and report himself in readiness to renew the enterprise, notwithstanding the opposition of the King of Spain.

The viceroy parted with him reluctantly, furnished him funds for his journey, presented him the finest horse in his stable, an escort to accompany him to Coahuila, and written authority for the arrest of Anaya, or the privilege of inflicting upon him any chastisement he might think proper. (St. Denis politely pardoned the offending governor, and left him to the chastisement of his own conscience and his disappointed love.)

On arriving at the Presidio he found the commandante in the greatest consternation. The Indians of the mission had rebelled, folded their tents and left, with all their flocks and herds, women and children. St. Denis mounted his horse and started alone in pursuit of them. As he approached them in their slow march, now nearing the Nueces River, he elevated his pocket-handkerchief upon the point of his sword, when the chief ordered a halt. He went into the midst of them, and they pressed closely around him to hear his “talk.”

Assisted by his intimate knowledge of the Indian character (acquired in *Louisiana*), his *natural vivacity*, and more by his power over men, he success-

Mexican settlers, priests, and mission Indians before him to San Antonio.

He was met by the Marquis de Aguyas, successor of Anaya, Governor of Coahuila, with an army of five hundred men. Retreating to the Neches he remained among the friendly Indians, which was regarded by Alarconne (a new Spanish governor) as a menace. He was not able to dislodge La

fully pictured to them their folly in abandoning their lands and homes without knowing where to plant their tents, with the dangers to which they were exposing their women and children from wandering savages and probable starvation. He kindly urged their chief to tell him their grievances.

He listened attentively, and replied, pledging the honor of the whole Spanish nation for their immediate and entire redress.

The Indians embraced him warmly, and signified their willingness to return with him. They followed his lead, and reentered the Presidio more like an army flushed with victory than the surly Indians they were so short a time since.

St. Denis and the daughter of the commandante were married; when, after further vain attempts to gain the consent of the government to his plans, he returned to Mobile, having been absent two years.

He did not, however, abandon the enterprise, but returned to the Presidio, and, finding that his goods had been confiscated, went to the City of Mexico to demand redress, and again to urge his plans upon the favorable notice of the government.

A new viceroy, Marquis de Valero, had succeeded the Duke de Linarez, his bitter enemy. Anaya, still Governor of Coahuila, wrote of St. Denis to the viceroy, representing him as a man dangerous to the tranquillity of the government. "For," he urged, "*nothing less could induce a man to undertake such a journey a second time.*" St. Denis was arrested and again thrown into a Mexican dungeon. His wife went in person to the City of Mexico and made representations of the truth to many influential persons, who, taking advantage of the extreme unpopularity of the viceroy, procured his immediate release, and also remuneration for his losses. On his return he was accompanied by Ramon, with friars and soldiers, for establishing missions.

St. Denis returned a second time to Mobile, and, from a broad, plain trail made across the country, it was believed that a considerable contraband trade was carried on through the Presidio. St. Denis was placed in command of the fort at Natchitoches, and in 1729 became instrumental in defeating a deeply laid plot among the Natchez Indians in Mississippi and Louisiana, and several Indian tribes in Texas, for the extermination of all the white inhabitants. He was, however, afterwards killed by the Natchez in a *general fight*, when they regarded him as a superhuman enemy.

Harpe, nor would the latter disavow the French claim to Texas. This was followed up by two unsuccessful attempts by Bellisle in 1719-21, when all further attempts by the French to hold possession of Texas were abandoned.

QUESTIONS.—Did the French abandon their claim to Texas? Who renewed it? Upon what grounds? Was the claim established? What scheme was undertaken in 1712? Was it successful? What became of Crozat's charter? What further effort did the French make to establish their claim to Texas? What policy did De la Harpe pursue towards the occupants of the country? What impeded his advance? Were the French finally successful?

CHAPTER V.

PRIESTS RESTORED TO THEIR CHURCHES—COLONISTS FROM CANARY ISLANDS—MEXICO ECONOMIZES—REDUCES NUMBER OF SOLDIERS FOR PROTECTION OF MISSIONS AND SETTLERS.

IN 1715 Don Domingo Ramon, with soldiers and supplies, returned from Mexico to Texas with St. Denis on his second expedition, and, leaving a small number of men at San Antonio, visited the old missionary localities in the east, and restored many of the fathers to their churches. The next year Ramon sent an express to the Viceroy of Mexico, to the effect that they were on the borders of starvation, and unless supplies were sent immediately he should be compelled to abandon the country. Valleo, the Viceroy of Mexico, immediately forwarded supplies of food, with additional soldiers, laborers, and artisans to instruct the Indians.

In 1716 the mission service was vastly improved by the arrival of Father Antonio Margil de Jesus. It was said of him, "His sermons would so impress his audiences that he would reform the most perverted characters."

In 1719 many of the missions were removed to San Antonio.

In 1727 Texas became a separate province from Coahuila,

under the name of "New Philippines." (Coahuila was called New Estramadura.) The first governor of the new province was Don Juan Antonio Bustillos y Cervillos.

San Antonio became the capital of the new province, "though," it was suggested, "the Presidio of our Lady del Pilar de los Adaes should have been the capital, on account of its being on the frontier, where they could better have watched against the encroachments of the French."

The Presidio of San Antonio was entitled to irrigable lands for agricultural purposes, pasturage for the necessary cattle and horses, and a garrison under a military commandante. The churches, residences, storehouses, and prisons were arranged around a square and enclosed in walls. Huts outside the walls were for the Indians of the mission.*

In 1728 the Governor-general of Coahuila, in his report to the king, said that it was impossible to colonize Texas with priests and bayonets, and suggested that colonists should be brought from the Canary Islands (belonging to Spain), from Tlascala in Mexico, always the allies of the Spaniards, and from the vicinity of Matamoras, the expenses to be borne by the royal treasury. Accordingly, in July, 1731, the Marquis of Casa Fuerte brought sixteen families from the Canary Islands, and settled them in the new town of Juan Fernando,†

* The priests who planted the cross in Mexico were monks of the order of San Francisco, originally from Naples. Their founder, San Francisco de Assasi, prohibited learning among them, instructing them to "preach and beg." Afterwards these exactions were relaxed, and many among them became men of learning. They extended from Italy into Spain, where they established colleges of their order, and when the Spaniards conquered Mexico, these priests came and founded the two colleges of Zacatecas and Queretero.

† In Mexico they found a worshipping people, with cities and temples, and were able, with the cross and the sword, gradually to incorporate many of the ceremonies and tenets of the Roman Catholic Church into their pagan worship, and to bring them into the fold of the Church by baptism. A great point gained was the abolition of human sacrifices to their gods.

In Texas the Indians had little religious superstition, and less natural

across the river from San Antonio. Their transportation and support was said to have cost the royal treasury \$72,000. They were granted "partitions" of irrigable lands.* These were the first permanent colonists established in Texas. They became of great value to the country, and from them have descended some of the most substantial, heroic, and honorable settlers of Texas.

The costly experiment was not repeated, and the government decided to economize. The fort on the Neches was suppressed, and the three garrisons, Adaes, San Antonio, and that on Matagorda Bay, were much reduced. As the result of this economy occurred fresh outbreaks of hostilities by the Comanches and other Indian tribes, who combined to drive all settlers out of the country, roaming as far as Santa Fé, and driving the Spanish soldiery up to the walls of the missions. The Natchez Indians were in coalition in Louisiana. St. Denis met his death in an encounter with them.

veneration. They had no riches to localize their habits or their homes, and it was not an easy task for the fathers to obtain a permanent influence over them.

*The missions were most of them located in the heart of a picturesque country, with fertile lands, seldom failing to return abundant increase for the labor of the husbandman. Their flocks and herds fed upon the ever green commons. The presence of the Mexican soldiery, with the strong walls which surrounded the buildings, were guarantees of personal security to the priest, as well as of protection to his accumulations. (The surplus of production was at the disposal of the friars, who, though forbidden to claim any earthly possessions, had control of the funds, should there be any, after the expenses of the mission were paid.) If these fathers were isolated from the luxurious living into which the gloomy order had drifted in Mexico, they were also exempt from the severe exactions to which the inferior clergy were subject under the eye of the archbishop. While they taught the Indians, they were their masters, with the means of punishment for disobedience always at hand.

Many thousands of the Indians were baptized, from the first beginning of the missions until their decline, and many conformed their lives to the requirements of the Church while they were inmates of the missions, receiving in return for their obedience the necessities of life, the care of their sick and *aged*, Christian burial after death, and the hopes for the future which it was *the office of the Church to inspire*.

To punish them, in 1732 the governor, Cervalles, collected a force and pursued them. He entered their villages, and inflicted such a chastisement as insured a period of peace.

The viceroys of Mexico, sent by Spain, were frequently changed, and as frequently were the governors of provinces or states changed, and Texas was subject to the same changes of civil and military policy.

QUESTIONS.—How and when were the priests restored to their churches? What was their condition the following year? How did the viceroy respond? What distinguished person came with others in 1716? What was said of him? When was the mission removed to San Antonio? When did Texas become a separate province? What was the new name of each? Who was the first governor of the new province? What place became the capital? What other place was suggested? Why? To what was San Antonio entitled as a Presidio? How was the place arranged? Where did the Indians of the mission live? What did the Governor-general of Coahuila state in his report to the king? What did he suggest? How were the expenses to be borne? How and when was the plan consummated? What was the cost? What were they granted? What is said of this colony? Was the experiment repeated? What was done in view of the great expense? What was the result of this economy? How were the Indians punished? What was the policy of Spain with regard to the viceroys sent to Mexico? How was Texas affected?

CHAPTER VI.

APPOINTMENT OF SANDOVAL AS GOVERNOR—HIS SUCCESSOR.

IN 1734 the Viceroy Marquis de Casa Fuerte, a great friend to Texas, appointed Don Manuel de Sandoval Governor of the "New Philippines." Sandoval was a Spanish soldier who had risen from a cadet to captain of grenadiers, and had been Governor of Coahuila. The good viceroy Casa Fuerte believed that under his management his plans for the prosperity of this young province would be greatly aided. In accordance with his military policy, Sandoval, with headquarters at San Antonio, took the field in person against the Indians, keeping them in subjection. While at the post of Adaes he appointed as his lieutenant Don José Gonzales, whose duty it was to watch the French at Natchi-

toches, and report whatever was of interest for him (as governor) to know.

By common consent the Honda, a small tributary of Red River, had been regarded as the separating line between the two forts—the French at Natchitoches and the Spanish at Adaes. After a heavy rain the spot on which the French mission stood became submerged, and orders were given for its removal to a higher point, which would bring it within the prescribed line.

Sandoval remonstrated against the intrusion, but remained at San Antonio. His administration was, however, brought to an unfortunate close by the death of Casa Fuerte at this time, which was a great calamity to Texas. He was succeeded in the viceroyalty of Mexico by Vizaron, Archbishop of Mexico. Vizaron immediately deprived Sandoval of his office, and sent Don Carlos de Franquis, a pet of his, who had been disappointed of a place in Tlascalla, to fill the office. Franquis reached San Antonio in September, 1736, and began his administration by a series of persecutions of Sandoval, insulted the priests, opened and read private letters, and was generally abusive and overbearing. He caused Sandoval to be arrested, put in irons, and tried by a commissioner, sent from Nueva Leon for that purpose, on eight different charges brought against him. The charges were not sustained. The transcript of the proceedings, amounting to thirty large volumes of manuscript, was sent to the King of Spain.

In 1805–11, during the discussions on the boundary question between Spain and the United States, these old records were brought forward.

Spain valued her colonial possessions in America in proportion to the revenue from the mines and other sources, for which there were no reciprocal benefits. Texas had little to offer to the royal, greedy treasury, and the only attention given to her condition was to collect from her scanty gains the tribute exacted from the mission Indians.

There was in Texas no permanent security for life or

property, except within the walls of the forts. The coast had no seaports, and the country no highways. The mule was the only means of transportation, and the paths they made across the country were so jealously watched that the two and one-half months' journey from Natchitoches to the City of Mexico was seldom undertaken; consequently there was little advancement made in the settlement of Texas.

QUESTIONS.—Who became governor in 1734? Who was Sandoval? What was his policy? What was his lieutenant's duty? What was the line of separation between the French and Spanish posts? What was the result of a heavy rain? What did Sandoval do? What brought his administration to a close? Who succeeded Casa Fuerte? Who succeeded Sandoval? When did he arrive in San Antonio? What was his conduct? How did they treat Sandoval? Were the charges sustained? What value did Spain attach to her colonial possessions in America? What attentions did the colonies receive? Was there any security for the settlers? What were the means of transportation? How long did it take to go from Natchitoches to the City of Mexico?

CHAPTER VII.

MISSION RUINS AT SAN ANTONIO.



THE Alamo, as a mission, was first projected, or organized, in 1700, on the Rio Grande. Its locality, as well as its name, was several times changed. The last name from which it was changed to Alamo was, "The Mission de San Antonio de Valero." The slab of marble inserted in its wall bears the inscription, "1757," although the corner-stone of the building was laid in 1744, when it was first established in its present locality, after having been twelve years in the military plaza of San Antonio. "It took its present

name, Alamo," says Lorenzo de Castro, "after the soldiers

from the Presidio of Parras in Coahuila were ordered to garrison San Antonio de Bexar, about the year 1804-05." In 1793-94, when, by order of De Narva, the missions were taken from the Franciscan friars and placed under pastors, the Alamo ceased to be used as a church, the soldiers occupying the building and enclosure of the old mission. In March, 1836, it became the scene of those tragic events known as the "Fall of the Alamo." In 1841 the congress of the republic of Texas passed an act, conceding the title as the property of the Roman Catholic Church. It was never used for religious purposes, and the State of Texas purchased it in order to preserve it as a sacred memento, and such dedication as should hereafter be ordained by the State.

In 1841 Nangle, a sculptor from Philadelphia, constructed a beautiful monument, about ten feet high, of some of the stones of the ruin, on which were inscribed the names of the men who fell in the Alamo; and on the four sides of the shaft the following inscriptions: "*To the GOD of the FEARLESS and FREE is dedicated this ALTAR made from the ruins of the Alamo.*" "Blood of HEROES hath STAINED ME. Let the stones of the ALAMO SPEAK that their IMMOLATION be not FORGOTTEN." "Be they ENROLLED with LEONIDAS in the HOST of the MIGHTY DEAD." "THERMOPYLE had her MESSENGER of DEFEAT, but the ALAMO HAD NONE." On the frieze of each side were the names: "TRAVIS," "BOWIE," "CROCKETT," "BONHAM." This monument was purchased by the State of Texas in 1857, placed in the entrance way of the capital, and, with that building, destroyed by fire on November 6, 1881.

The mission of San José, standing on the right bank of the San Antonio River, four miles below the city, was founded in 1720 by the Rev. Father Margil. It was fifty-three years in reaching its completion. Before its completion the much-loved and honored father died. He was buried in the City of Mexico. The beautiful carving was executed by a

sculptor named Huicar, who was sent over from Spain for that purpose. The ruins of the mission of Concepcion stand on the left bank of the river, about two miles below the city. The corner-stone of this mission was laid March 5, 1731, by Captain Perez of the garrison, and Father Borgarra.

The mission of San Juan Capistran, six miles below, on the east bank of the river, was erected under the supervision of the Rev.

Father Margil in 1731; and Espada was the same year removed to its present locality, below San Juan Capistran, from the Medina River, for the greater security of its occupants. It was nineteen years in building.

The present beautiful cathedral, with a new front added in

1868 to the parish church of San Fernando, was built in 1732, and named in honor of Fernando, King of Spain.

The missions of Espiritu Santo, La Bahia, and Rosario, were "recommended" by De Leon in 1690, but "projected" by Teran in 1718. The Carancahuas, Anaquas, and Aranas were the Indians for whose benefit these missions were built.

The mission of Refugio, in the town of that name, about thirty miles from Goliad, was established in 1790.



MISSION CONCEPCION.

La Trinidad was on the Trinity River. It was short lived. For security from Indians it was removed to the vicinity of Nacogdoches.

The San Saba mission, built in 1734, in Menard County, was for the benefit of the Comanche Indians. For a number of years its success was encouraging. In 1752 the San Saba silver mines were opened ; a new element was added to the population. The Indians became demoralized, and savagely murdered every person belonging to the mission.

In 1794 the Franciscan friars returned to Mexico and Spain, and as they took the archives of the church with them, but little of record has come within reach of the historian.

QUESTIONS.—Which is the oldest of the San Antonio missions ? Give its history. When did it take its present name ? What was its next change ? For what was it used ? What important event took place in it ? What did the Congress of the Republic of Texas do regarding it ? What was done in commemoration of the "Fall of the Alamo" in 1841 ? What was the inscription ? What was the fate of this monument ? Where was the mission of San José ? When and by whom was it founded ? How long was it in building ? By whom was the carving executed ? Where was the mission of Concepcion ? When and by whom was it founded ? Who was the founder of Capistran ? When ? Where was the Espada moved from ? Where was it moved to ? Why ? How long was it in building ? What of the present cathedral ? What missions did De Leon recommend ? When ? Who projected them ? When ? For whose benefit ? Where was the mission of Refugio ? When was it established ? Where was La Trinidad ? Where was it moved ? What was the origin of the San Saba mission ? What was its success for a time ? What was its final fate ? When did the Franciscan Fathers leave Texas ? What did they take with them ?

CHAPTER VIII.

PHILIP NOLAN'S EXPEDITION TO TEXAS—HIS PURSUIT AND DEATH BY SPANIARDS—IMPRISONMENT AND DEATH OF HIS MEN—EVIDENCE OF HIS BETRAYAL.

PHILIP NOLAN was a citizen of the United States, living, at the time of his expedition to Texas, in Natchez, Mississippi. His avowed object was to purchase horses in Texas and Tamaulipas (Mexico) for a Mississippi regiment then forming. *He* obtained a passport from the Spanish Governor of Louisiana (then belonging to Spain), dated July 17, 1797. He

also obtained permission of the proper authorities in Texas and Mexico, purchased twelve hundred and ninety-seven horses, which he kept for a while on the grazing lands of the Trinity, when he returned with them to Natchez. The suspicions of the Spanish authorities in Louisiana were aroused when the fact was made known that Nolan drew maps of the country as he passed through it on his return to Natchez.

This they apprehended as the preparation for combining with restless English and American adventurers and Indians for the purpose of revolutionizing that country, and for the invasion of Texas for the same purpose. An order was accordingly issued by the Spanish authorities to arrest all such persons, and Philip Nolan in particular, and that he should be so disposed of as never to be heard from again.

A new Governor of Louisiana accused Nolan of obtaining his passport under false pretences, and, also, that among Spaniards he professed to be a Roman Catholic, while among the Americans he ridiculed that church.

They also complained that their remonstrances with the authorities at Natchez had received no attention, inferring from this that they did not discountenance Nolan's plans. They warned the military commander of Nacogdoches that Philip Nolan was organizing for an armed expedition into Texas.

PHILIP NOLAN'S SECOND EXPEDITION TO TEXAS.

In October, 1800, Nolan, with about thirty-four men, left Natchez on his second expedition. Travelling through the wilderness to avoid the Spanish at Nacogdoches, they kept a northwesterly course, and encamped on the bank of the Blanco. Lieutenant Musquez left Nacogdoches March 4, 1801, with one hundred men, in pursuit of Nolan. He left the road and travelled northwesterly to the head of the *Navassota*, where two Indians informed him where Nolan was

encamped. Under cover of night, with the two Tehuacano Indians as guides, they approached the camp and concealed themselves. On the morning of the 20th, as Nolan and ten of his men came out of his intrenchment unarmed, Musquez called upon him to surrender in the name of the King of Spain. Nolan refused and prepared to fight; the fight continued two hours, when, Nolan being killed by a four-pound cannon ball, and their ammunition being exhausted (Nolan's carbine was stolen during the night by two of his Mexicans who deserted him), they surrendered. Of those who surrendered there were fourteen Americans, one Creole from Louisiana, seven Mexicans, and two negro slaves. Cæsar, Nolan's slave, begged leave to bury his master, which was granted, after Nolan's ears had been cut off as evidence that he had not escaped.

The prisoners were taken to Chihuahua, and tried by civil tribunal as invaders of the country. The judge ordered their release, but the commander of the provinces objecting, the proceedings were sent to the King of Spain, who, by royal decree, dated February, 1807, ordered one out of five of the men to be hung, and the remainder to suffer ten years' hard labor, and ordered that the judge who tried them should be removed from his office. Before the decree arrived the judge had died. Only nine of Nolan's men had survived the severity of their long imprisonment, and the judge then in office decided that but one should suffer the death penalty, to which the commandant agreed.

The prisoners agreed to throw dice for the choice of a victim, the lowest numbers to decide. The oldest prisoner, Ephraim Blackburn, threw 3, 1, the lowest numbers. He was hung on the 11th of November, 1807, more than six and a half years after his capture. After the execution, the remaining eight men were taken to Acapulco, where they became separated. Of four of them nothing was ever heard by their friends. Of the remainder, Cæsar was the only one liber-

ated ; two were known afterwards to be still in different prisons. Ellis P. Bean lived to write his own romantic story.

Among the "proceedings" at the trial of the prisoners was a paper purporting to be a copy of Nolan's plan for revolutionizing Texas and taking possession of the country. The paper was furnished by one of Nolan's men who professed to have been in his confidence, and who had abandoned and betrayed him. This was the apology for the severity on the part of the Spanish Government.

QUESTIONS.—Who was Philip Nolan ? What was his avowed object in coming to Texas ? What was the date of his passport ? What was his success ? Why did the Spanish authorities become suspicious ? Of what were they apprehensive ? For what purpose ? What order was issued ? Of what did the new governor accuse Nolan ? What was the complaint of the Spanish against the Natchez authorities ? What did they infer ? Of what did they warn the authorities of Nacogdoches ? When did Nolan start on his second expedition ? How did he travel ? Why ? What course did they pursue, and where did they camp ? With what force did Lieutenant Musquez leave Nacogdoches, and for what purpose ? What route did he take ? What was he told ? What did he do at night ? What occurred next morning ? What did Nolan do ? What was the result of the fight ? How many surrendered ? Who were they ? What became of Nolan's body ? Why did the Spanish cut off his ears ? What became of the prisoners ? What did the King of Spain decree ? How many of the men had survived ? How many were finally executed ? How was the victim chosen ? Who was he ? How long after their capture ? What became of the remaining prisoners ? What paper was brought forward at the trial ? Who furnished this paper ?

CHAPTER IX.

PIKE'S EXPEDITION—HIS REPORT OF THE COUNTRY—
TROUBLE ABOUT BOUNDARIES—RE-GARRISONING TEXAS
FORTS WITH SPANIARDS TO WATCH THE FRENCH—A
WAR AVERTED.

In 1805 Captain Zebulon M. Pike, with twenty-three assistants, was sent by President Jefferson to explore the sources of the Mississippi, and the next year he was sent by order of General Wilkinson of Louisiana, then belonging to the United States, to explore the sources of the Arkansas. The Spanish government at Coahuila, receiving information of Captain

Pike's expedition, sent a military force of six hundred men, with provisions for six months on pack animals, to intercept him, but they missed the object of their search. Captain Pike, losing his course, was found near the head waters of the Rio Grande, and, under military escort, was conveyed to Santa Fé, where his papers were examined and retained. He was then sent to Chihuahua, to General Salcedo, who, convinced of the peaceful purpose of his expedition, furnished him an escort to Natchitoches. "Pike's Peak" in Colorado perpetuates the memory of his expedition.

After his return to the United States, Captain Pike published copious notes of his expedition, with descriptions of the country and all classes and conditions of social life, especially in the gay city of San Antonio, where the families of the civil and military officers rivalled in elegance their superiors in the City of Mexico, the gayety extending down to the Mexican and Indian dances. He estimated the population of Nacogdoches at seven hundred, among whom, in addition to the military, he found Americans of wealth, intelligence, and polish, who, having braved Spanish proscription, had established farms and ranches on the streams as far as the Trinity. He gave the apparent civilized population of Texas as seven thousand, with about one hundred thousand cattle and fifty thousand horses on various ranches.

BOUNDARY OF TEXAS.

In 1806, the United States having purchased Louisiana of the French, the question of its southwestern boundary became a source of irritation, and the Spanish prepared for defence of their eastern boundary. They rebuilt the old fort at Adaes, on the east bank of the Sabine, and regarrisoned the forts at Nacogdoches, the crossing of the Atascosita, Matagorda Bay, and on the Trinity, the last named being made a source of supply. In October Colonel Simon de Herrera and Manuel *Salcedo*, Governor of Coahuila, entered Texas with about

fifteen hundred men to disperse among the forts, Ensign Gonzales holding Adaes.

On the part of the United States, Captain Turner, with his command, and three companies of infantry under Lieutenant Kingsbury, with four pieces of artillery from Fort Adams, held Nachitoches, Louisiana. Captain Turner advanced upon Adaes, and demanded immediate evacuation of the post on the Sabine, to which Gonzales promised to accede. The next day, finding the troops not withdrawn, Captain Turner made the demand in writing, giving six days as the limit of time, to which Gonzales signed an agreement. In July about thirteen hundred additional Spanish troops arrived in the vicinity, who, on the first of August, proceeded to cross the Sabine. Governor Claiborne of Louisiana called out the State militia under General Wilkinson, and a clash of arms, involving Spain and the United States, seemed inevitable; but a secret arrangement of an amicable but suspicious character was entered into by the two generals, Herrera and Wilkinson, one feature of which was that no troops from either side should cross the Honda, a small tributary of Red River on the west, the country between the Honda and the Sabine remaining "neutral ground" pending the negotiations between the two countries.

FRENCH POSSESSION OF THE CROWN OF SPAIN.

French Rule in Texas.—Texas was not well informed as to affairs in Europe; consequently, when on the morning of the 8th of September, 1808, the French General Octaviano d'Alvimar appeared in San Antonio in the full uniform of a French general, the Spanish Governor Cordero had him arrested and sent a prisoner to the City of Mexico. This was the beginning and the end of the Napoleonic rule in Texas.

In 1810 there occurred a general uprising of the Indians, resulting in great destruction to stock and the desolation of

establishments remote from the small garrisons; the settlements receding for protection.

QUESTIONS.—Who was Philip Nolan? What was the avowed object of his visit? From whom did he obtain a passport, and what was the date? To whom did Louisiana then belong? How was he authorized to proceed? What was the object of Pike's expedition? What that of the next year? What was done by the Spanish with regard to this expedition? Were they successful? Where was Pike found finally? What was done with him? What place is named for him? What did Captain Pike report of Texas? What did he say of the people of Nacogdoches? About farms and ranches? Of the whole population of Texas? Number of cattle and horses? What new cause of irritation between Spain and the United States arose in 1806? What preparation of defence did the Spanish make? Who arrived in the country with troops? How many men were there? How was the fort at Natchitoches manned by the United States? What demand was made by Captain Turner? What occurred in July? What seemed inevitable? What agreement was made between Herrera and Wilkinson? What was the beginning and end of French rule in Texas? What calamity befell Texas in 1810?

CHAPTER X.

BEGINNING OF THE MEXICAN REVOLUTION AGAINST SPAIN— THE GACHUPIN WAR—THE MAGEE, GUTIEREZ, AND LARA EXPEDITION.

WHEN the Mexican revolution against Spain, under the patriot priest Hidalgo, began in 1810, there was a pronunciamiento in his favor in San Antonio, January 22, 1811, by Captain Bautista Casas and the whole garrison; and on March 3d following there was a counter pronunciamiento headed by Zambrano, when Casas was loaded with chains and sent to Monclova for trial. Such was the uncertainty of Mexican rule in Texas at the beginning of the Mexican Revolution.

From 1806 to 1812 the strip of country between the Arroya Honda and the Sabine, known as the "neutral ground," had attracted a class of people who made an armed escort necessary for travellers passing to and fro, and especially for mule trains. General Overton, at Natchitoches, usually furnished the guard. At this post, and of the guard, was Augustus W. *Magee, a native of Massachusetts, graduate of West Point in*

the class of 1809, and a lieutenant of artillery in the United States service.

At that time men of the Patriot, or Revolutionary, party in Mexico had occasionally taken refuge, after reverses, in Louisiana. Among them was Bernardo Gutierrez de Lara. The period was auspicious for adventure. Leading spirits were not lacking, and Texas was an inviting field. Magee resigned his position as lieutenant of artillery in the United States army, and with Gutierrez as nominal commander, for the purpose of enlisting patriot Mexicans in their cause, proceeded to make up an army for the purpose of taking Texas from the Spaniards and establishing a republican government, promising forty dollars per month and one league of land to each volunteer, if they were successful.

Their army of about three hundred and sixty-nine men was made up of Americans, Mexican Patriots, occupants of the neutral ground, and Cooshattie Indians. Their officers were Americans—Dr. Forsythe, Kemper, Slocum, Perry, Ross, Captains Hall, Taylor, Luckett, Gaines, Scott, and Macfarland. They camped on the Trinity, and left their camps in October, 1812, with about one dozen beeves, and as many mules loaded with provisions and ammunition, for Goliad.

Arriving at Goliad, and meeting with no opposition from the few Mexicans there, they proceeded to fortify the fort, mounting an old nine-pounder which they found, said to be a cannon taken from La Salle's fort on the Lavaca. They had been informed by Mexicans that the Mexican Royalist forces were all at San Antonio, but on the morning of the 7th they were surprised to find themselves surrounded by about two thousand Royalists, commanded by Generals Salcedo and Herrera in person. On the evening of the 7th Magee marched out and attacked the division at the mission, but night coming on there was no decisive result to either party. The Royalists, finding that their escopettes were no match for the Patriot rifles, waited until the expected arrival of nine pieces

of brass cannon. At first the Royalists planted their cannon at too great a distance. They then moved nearer and nearer, forcing their way within the town and under the walls of the fort. On the morning of the 20th, at eight o'clock, a fierce battle began, which continued until two P.M. The Royalists lost heavily, but removed their dead, although their retreat across the river was hastily effected. The Patriots had seven wounded but none killed. The Royalists now resolved to starve out the Patriots; but Magee had found a good supply of corn and salt in the fort, and with the cattle grazing on the lands in the vicinity, which they drove in at night, they were furnished an abundance of beef.

THE "BATTLE OF THE WHITE COW."

On the 24th of January, 1813, the Royalists were driving up a white cow to kill for meat. She ran across the river towards the fort. A party of Americans—Patriots—started in pursuit, crossing the river. Here they were met by Royalists, and a fierce encounter took place, which lasted two hours, in which the Royalists lost two hundred men. The Americans had one man killed and six wounded. On the 10th of February, just before daylight, some Americans fired upon the Royalist pickets. This was followed up until the whole force on both sides was engaged. It was a terrible fight, and the issue was doubtful, the Royalists charging upon them with advantage three times; but after the third assault they were driven in confusion across the river to their intrenchments, where they remained until the 16th, when they began their retreat to San Antonio.

About this time occurred the death of Colonel Magee, from consumption. The command devolved upon Kemper, who, on account of Magee's failing health, had been in actual command during their active operations with the Royalists.

QUESTIONS.—Who headed the revolution against Spain in Mexico? In what year? What occurred in San Antonio? When was there a counter pronunciamiento? By whom

was it led? What was done with Casas? What was the object of the Gachupin war? What was the neutral ground? By what class of people was it inhabited? What was necessary for the safety of travellers? Who was occasionally of this guard? Who was he? What class of men had occasionally taken refuge in Louisiana? Who was among them? For what was this period auspicious? Why did Magee resign? Who was associated with him? What did they proceed to do? For what purpose? What did they promise? Of what did their army consist? Who were their officers? Where did they camp? When did they leave this camp? Where did they go? Did they meet with opposition at Goliad? What did they do? What had they been informed? How were they surprised? By whom were the Royalists commanded? What occurred on the night of the 7th? Why did the Royalists wait? What was the Royalists' plan of attack? When did the battle occur? What did the Royalists resolve to do? Were they successful? What was the "battle of the White Cow"? What was the number of Royalists killed? Of Americans? How many wounded? Describe the next battle of this siege. What occurred about this time? Who took command?

CHAPTER XI.

BATTLE OF THE SALADO—SURRENDER OF SAN ANTONIO TO
KEMPER—MURDER OF SALCEDO, HERRERA, AND OTHERS
BY DELGADO, CAPTAIN ROSS IN COMMAND—GENERAL
ELISONDO APPEARS—BATTLE—ELISONDO DEFEATED.

MAJOR REUBEN ROSS, who had been sent East for reinforcements, now arrived with twenty-five Americans and thirty Cooshattie Indians from the Trinity. These last were under command of their chief, Charles Rollins. With their forces thus increased, they started to San Antonio in pursuit of the Royalists, who, hearing of their approach, went out to meet them. The two armies missed each other, the Americans taking the left-hand road by the mission of Espada. The Royalists were a short distance above, and, firing upon their left flank, gave the Americans the first indication of their presence. The Americans quickly formed in order of battle. The tap of the drum was to be the signal for a charge. The Cooshatties on the right flank, misunderstanding the signal, rushed into the midst of the enemy, where a fierce hand-to-hand fight took place, in which they lost several of their best men. They killed a large number of the Royalists. In the *meantime* the Patriots of the centre and left made a gallant

charge, and in less than twenty minutes the enemy were flying from the field in every direction, in spite of the desperate efforts of their officers to rally them. These behaved with the greatest courage, meeting their sure fate like men who preferred death to defeat. Consequently a large proportion of Spanish officers was killed. The Royalists, with an army of 2,500, lost, in killed, 330 ; in prisoners, 60 ; six pieces of artillery, and all their baggage. The Americans had six killed and 20 wounded. The Royalists retreated to San Antonio.

The Americans took possession of the Mission Concepcion, and began to besiege San Antonio on the 3d of March. On the 4th, Salcedo, the Royalist general, sent out a flag of truce, proposing a parley. Colonel Kemper demanded their surrender as prisoners of war, and the delivery of San Antonio into his possession. This was agreed upon on the 6th, and the Americans, their Mexican allies, and the Cooshattie Indians marched in and took possession as the Spaniards marched out, leaving their arms stacked, the officers being retained as prisoners. On the 7th, Bernardo Gutierrez, in command of the Mexican Patriots, ordered the guard of the Royalist officers—prisoners of war—to deliver up Salcedo, Herrera, and ten other officers, upon a false pretext, to a company of Mexicans under command of Juan Delgado, producing an order to that effect from Colonel Kemper. The order was obeyed, and Delgado marched them out to the Salado battle-ground, had their throats cut, and their bodies thrown into the stream. One poor victim begged that he might be shot, and he was gratified. Delgado was court-martialled, and in his trial urged in excuse that Salcedo had murdered his father while a prisoner of war, fighting under the patriot Hidalgo. The Americans condemned the act as infamous, and most of the officers left the country in disgust, among them Kemper, who had been deceived.

There still remained an organized number, determined

on establishing an independent republic in Texas. Captain Ross was their commander. On the 17th of June, 1813, General Elisondo appeared on the heights of Alazan Creek, a mile west of San Antonio, with about three thousand troops. Ross, who relied on his Mexican allies, was warned by his Mexican wife that these were planning to desert, when he urged a retreat. This the other American officers stoutly opposed, when he left for Louisiana, taking a few men with him. Perry was then elected to the command.

Elisondo sent in a demand for the surrender of San Antonio, with the pledge that the Americans should be permitted to return to their country, but that Delgado and the Mexicans should be surrendered and held answerable for the murder of the Spanish officers. This demand determined the Mexican allies to maintain their allegiance to the Americans, and they united with Perry in sending Elisondo a blunt rejection of his proposal.

During the night of the 17th the Americans cautiously moved out of the city and drew so near to the Royalists, that early the next morning they burst furiously upon them, throwing them into the utmost confusion. The Royalists partially rallied, and a battle of four hours raged hotly, when the Spaniards fled in wild disorder, Elisondo himself barely escaping capture. He lost four hundred men killed and badly wounded, and a large amount of ammunition and stores. The Americans had twenty killed and forty-four wounded.

Elisondo lost no time in crossing the Nueces, leaving the Americans in possession of the country. Gutierrez, in disfavor with all, left Texas and removed with his family to Louisiana.

QUESTIONS.—Of what did the reinforcements brought by Ross consist? What did they do? What was done by the Royalists? Why did they not meet? How did the Americans discover them? What was the result of the Cooshatties misunderstanding the signal? What was done by the Patriots? With what result? What was the Royalist loss? What the American? What did the Royalists do? The Americans? What occurred on the 4th of March? What did Kemper demand? With what result? What did Gutierrez

demand on the 7th? Was the order obeyed? What was their fate? What excuse did Delgado offer for this cruelty? What effect did this act of Delgado have upon the Americans? Was this idea of an independent republic abandoned? Who was their commander? What Mexican general appeared at this time? What was his force? What warning did Ross receive? What did he do? Who took command of those who remained? What did Elisondo demand? What was his pledge? What of Delgado and the Mexicans? How did this affect the Mexicans? Did Perry surrender? What occurred on the night of the 17th? Which were victorious? What was Elisondo's loss? The American? What did Elisondo do? Gutierrez?

CHAPTER XII.

ARRIVAL OF TOLEDO—BATTLE OF THE MEDINA—BETRAYAL AND FATAL RESULTS.

A NEW champion for the Patriot cause appeared in San Antonio, General José Alvarez Toledo. He was a Cuban Spaniard, was a member at one time of the Spanish Court in Mexico, but betraying sympathy with the Patriots in that country, he was obliged to seek safety, as others had done, in Louisiana. He was warmly welcomed by the Americans, who elected him commander-in-chief; but, being a Spaniard—a “Gachupin”—he was regarded with jealousy by the Mexicans, especially by Manchaca, who had succeeded Gutierrez in the command of the Mexican allies.

Toledo, statesman as well as soldier, proceeded to restore order to the civil department of the government in San Antonio, and to introduce measures of discipline into the army. Knowing that the Royalists would not abandon San Antonio, he kept prepared against surprise.

On the 24th of July, 1813, General Joaquin Arredondo, commanding general of the eastern internal provinces of Mexico, left Laredo with four thousand troops, to recapture Goliad and San Antonio, and to recover possession of Texas. He was joined on the west of the Nueces by Elisondo and his scattering troops.

Arredondo made a reconnoissance by scouts, halting six miles south of the Medina, where he threw up breastworks

in the form of a horizontal >, with the open space towards San Antonio. About six hundred of his men were thrown forward of the breastworks as a decoy. On the 17th of August, Toledo, with his Patriot forces, moved out of San Antonio to meet the enemy, crossing the Medina without opposition.

On the 18th the Patriot forces advanced with impetuosity, the enemy yielding ground, until, such was the fierceness of the pursuit, they turned and fled, rushing through the apex of their > intrenchments. Toledo, discovering the decoy and that the Americans were rushing into it, sounded a recall. Confusion followed. The left wing obeyed, but the centre and right, enraged at what they thought Toledo's treachery, continued to rush forward until they were surprised by a destructive fire from Arredondo's entire reserved force. The Mexicans fled, but the Americans and Indians fought with such desperation that the enemy's cavalry were on the point of retreating, when treachery gave them the day. Musquiz deserted from Toledo's ranks with his whole company of Mexicans, and reported the few Americans fainting from excessive heat, parched with thirst, their ammunition exhausted, and their defeat certain. Arredondo, with some of his reserved companies, now made a furious attack, and the Americans were obliged to yield.

The work of slaughter began. Most of those who were not slain in battle were overtaken in their retreat and killed.* Elisondo, glad to avenge his former defeat, pursued the fugitives, and, at Spanish Bluff on the Trinity, overtook, captured, and shot about seventy-five, their bodies falling into the river. Manchaca and Delgado were among the victims.

*The bones of the dead were to be seen for several years scattered over the battle-ground of the Medina. In 1822 Colonel Felix Trespalacios, Governor of Texas under Iturbide's rule in Mexico, had the skulls collected and interred with military honors. On a large oak tree he placed a tablet with this inscription: "*Here lie the braves, who, imitating the immortal example of Leonidas, sacrificed their lives and fortunes contending against tyrants.*"

Perry made his escape, and General Toledo escaped to the United States. In 1815 he was tried in the United States District Court of Louisiana for violating the neutrality law. He asserted that, with two thousand such troops as those Americans, he could plant the Patriot standard on the walls of Mexico. Arredondo imprisoned seven hundred Mexican citizens, and, on the night of August 20th, confined three hundred in one room, several of whom died from heat. He made captives of five hundred females of the families of the Patriots, whom he compelled to do menial labor for his army. All who could escape left their homes and crossed into Louisiana. Most of the towns and settlements were desolated.

QUESTIONS.—What new champion of the Patriot cause now appeared ? What can you say of him ? How was he received by the Americans ? How was he regarded by the Mexicans ? What measures of reform did Toledo inaugurate ? What did General Arredondo do in July, 1813 ? What was his force ? What was his object ? By whom was he joined ? What precautions did Arredondo take ? What occurred on the 17th ? What occurred on the 18th ? What did Toledo discover ? What did he do ? What followed ? How did the troops fight ? What gave the Royalists the day ? What was Musquez's conduct ? What did he report to the Royalists ? What was the result of Arredondo's next attack ? What was the fate of those not slain in battle ? Who were among the victims ? What became of Perry ? Of Toledo ? For what was Toledo tried in 1815 ? What did he assert ? How did Arredondo treat the prisoners ? What was the condition of the country ?

CHAPTER XIII.

GALVESTON—HERRERA TAKES POSSESSION—MINA'S EXPEDITION—DEATH OF PERRY'S COMMAND—PERRY'S DEATH BY HIS OWN HAND—LA FITTE.

GALVESTON was named for the Count de Galvez, once a viceroy of Mexico under Spain, "the most magnanimous that ever occupied the vice-regal palace," afterwards Spanish Governor of Louisiana and Texas.

Little of historic interest is known of Galveston prior to 1816. It was a favorite hunting and fishing resort for the

Carancahua Indians. It was possibly visited by La Salle in 1685, and by shipwrecked mariners, and probably was a hiding place for illicit commerce in slaves for the Louisiana market or other smuggling expeditions.

In September, 1816, Herrera, Mexican commissioner of the Patriot party of Morelos in the United States, from his temporary headquarters in New Orleans, seeing the great advantages of Galveston as a port of entry for privateering purposes, came with Commodore Louis d'Aury and his fleet of twelve vessels and took possession of the island.

Louis d'Aury was an accomplished French naval officer. He had distinguished himself in the revolutionary struggles in Venezuela and New Granada. In the siege of the latter he bore away to places of safety in the West Indies hundreds of men, women, and children, breaking through a Royalist squadron of thirty-five sail with his little fleet of twelve or fifteen vessels. Herrera raised the republican standard of Mexico on Galveston Island, administered the oath of allegiance to Aury and his men, organized a civil government, as well as military, giving to Aury a commission as commodore of privateering and as civil and military governor of Texas.

About this time the families of several French officers, refugees from France on the downfall of Napoleon, had been given lands in Alabama for the cultivation of vineyards. Failing in this, they became scattered. A few stopped on the Trinity; the larger number went to Galveston Island. An occasional officer took service under Aury; others, not wishing to swear allegiance to Mexico, left the island.

In November, Francis Xavier Mina visited Galveston. He was a Spanish officer of distinction who had fought against Napoleon in the Peninsular war, and fled first to England, then across the ocean to Baltimore. Being strongly tinctured with republican principles, he resolved to aid Mexico in her struggles to establish that form of government. With this in view he joined Herrera on Galveston Island with

a few small vessels and about two hundred men, encamping west of the earthen fort built by Aury. Here also was Captain Perry, who had escaped from Elisondo with Toledo at the time of the massacre at Spanish Bluff, and was occupying Bolivar Point with about one hundred men. The United States did not recognize the Republican Government of Mexico, consequently they did not regard Herrera's commission to Aury as valid, and so condemned his privateering expeditions, by which he had swept all Spanish vessels from the Gulf, as piracy. Perry and Mina combined in organizing skeletons of regiments with officers, the ranks to be filled with patriot Mexicans whom they expected to join their standard as soon as they entered that country. Aury had in view the revolution of Texas, of which he had already been appointed governor; and as he had relied on the aid of Perry's men, he became jealous and succeeded in infusing a spirit of jealousy among the officers, which operated against their success.

Perry decided to join the expedition into Mexico with his men. They set sail from Galveston on the 27th of March, 1817, with a fleet of seven vessels and a force of three hundred men. After a stormy voyage they landed at Sota la Marina. Here Aury abandoned the enterprise soon after landing. Perry became dissatisfied, and, with Major Gordon and fifty-one of his men, set out on foot on a march of three hundred leagues across the wilderness for Goliad, the scene of his first exploit in Texas.

When Captain Perry reached Goliad he found it garrisoned with Spanish soldiers. He attacked the fort with such fury, that the commander was considering terms of surrender, when, unexpected reinforcements arriving, he renewed the fight, and every man in Perry's command was killed, Perry alone escaping. It was said that he ran to the shade of a tree, and in his frenzy shot out his own brains. Mina's noble *and generous efforts* in the cause of liberty for Mexico were

occasionally successful, but he was captured and shot on the 11th of November, 1817.

QUESTIONS.—For whom was Galveston named ? Who was he ? What is known of Galveston prior to 1816 ? Who probably visited it, and for what purpose ? By whom was it first occupied as a seaport ? Who came with him ? Who was Aury ? What had he done during the Venezuela and Granada struggles ? What was done by Herrera on landing at Galveston Island ? What office was given to Aury ? What refugees came to the island about this time ? What became of them ? Who visited the island in 1816 ? Where had he fought ? Why did he join Herrera ? What American was already on the island ? Why was he there ? What was the number of his men ? Why was Aury's privateering condemned by the United States ? What combination was formed ? Whom did they expect to become officers ? Why did not Aury join them ? What did he succeed in doing ? What was Perry's decision ? When did they sail ? What was the number of vessels and men ? Where did they land ? What did Aury do ? What did Perry then do ? What did he find on reaching Goliad ? Was he successful ? What was his fate and that of his men ? What was Mina's fate ?

CHAPTER XIV.

LA FITTE THE PIRATE (*continued*)—HE IS DRIVEN FROM GALVESTON.

IN 1817, Jean la Fitte, the pirate, arrived at Galveston. He was of a French family, born in Bayonne, who had removed to the West Indies. During an insurrection of the slaves in the West Indies, in 1793, the La Fitte family, with many others, took refuge in New Orleans. La Fitte and his brothers were blacksmiths in New Orleans. The two brothers, Jean and Pierre, were men of remarkable physical and mental force, and Jean was particularly commanding in form and manner. In course of time they became agents for smuggling vessels putting into the shallows along the coast of Louisiana.

When the war broke out between Carthage and Spain the La Fitte brothers obtained "letters of marque" (permission by law) to capture Spanish vessels wherever found. They built themselves forts along the coast of Louisiana to protect their own commerce, to which these letters gave the sanction of law. After keeping the trade of New Orleans

demoralized for about four years, they were broken up by Commodore Patterson of the United States Navy.

The war between Great Britain and the United States was in progress, and La Fitte was offered a commission in the British Navy ; but meeting with Ellis P. Bean, a survivor of

Nolan's expedition, he decided to join him in tendering his services to General Jackson at New Orleans, January 8, 1815, where he fought with such bravery that President Madison gave him a full pardon for past offences.

Still sailing under Venezuelan colors, he was preparing to attack a Spanish vessel when it was discovered that the time granted by his letters of marque had expired. He then gave his men choice as to remaining with him and becoming pirates, or taking a sufficient number of vessels and returning home.



LA FITTE.

With those who chose the former he began his career as a pirate, with headquarters at Galveston. He adopted the flag of the Mexican Republic, built a fort and a gorgeous residence, where he entertained distinguished visitors to the island in great pomp and show, and declared himself Governor of Texas. He claimed for his voyages the sanction of *lawful privateering*.

La Fitte required all on the island, and captains and crews of vessels in the harbor, to take the oath of allegiance to the Mexican Republic; appointed a military and marine commandant, judge of admiralty, notary public, secretary of state and treasury, administrator of revenue, and *mayor du place*. This organization was made on board the *Carmelita*, a vessel lying in the harbor, and without a seal of office. He provided for the distribution of their gains, and agreed to pay the expenses of Aury's administration, "provided they were residents."

By the close of the second year the population had increased to about one thousand. They were of all nations and languages, many of whom, fleeing with their families from justice or oppression, found refuge or employment in the prosperous colony of the pirate.

Both Spain and the United States complained of La Fitte's interference with their commerce, but neither took measures to suppress this until, in 1820, an American vessel in Matagorda Bay was seized by one of La Fitte's cruisers, robbed, and sunk in the bay. The United States Government sent a commissioner to investigate the transaction, with positive instructions to break up the settlement.

La Fitte tried to soften the officer's rigid requirements with the greatest display of hospitality, but he was compelled to make ready his little fleet and bid final adieu to the shores of Texas in 1821.

QUESTIONS.—What noted character arrived in Galveston in 1817? Where was he from? Why had he come to this country? What was his occupation? What was the beginning of his career as pirate? What was the second step? How and by whom was this business broken up? Why did he not accept a commission in the British Navy? Who was Bean? How did La Fitte conduct himself? What did President Madison do for him? What was his next exploit? Where were his headquarters? What flag did he adopt? How did he live on the island? What did he claim? How did he organize his community? Where was this organization made? For what did he provide? What did he promise Aury? Of what classes was the population composed? What was the immediate cause of La Fitte's being driven from Galveston Island? When did this occur?

CHAPTER XV.

LONG'S FIRST EXPEDITION.

THE next expedition into Texas for the purpose of wresting it from Spain and making it an independent republic was led by Dr. James Long, a Tennessean by birth, but residing in Natchez, Mississippi. He was familiar with the plans and fate of Nolan's expedition, and also of the Magee, Kemper, and Perry; but flattered himself that, profiting by what he considered their mistakes, he should succeed. Dr. Long, taking with him his wife and one child, left Natchez on the 17th of June, 1819, with seventy-five men. Others joined him on the march, among them Davenport and Gutierrez, and several who had been exiled from Texas on the disastrous failure of their enterprise. They reached Nacogdoches with about three hundred men. At Nacogdoches they organized a provisional government with a supreme council, and issued a proclamation declaring Texas a "free and independent republic." They enacted liberal laws for the disposition of the public lands, and established a newspaper; and, to spread over and occupy the country, David Long, the doctor's brother, established a trading-house among the Indians on the lower Trinity, Captain Johnson another at the Falls of the Brazos. Captain Walker was to build a fort on the Brazos; Major Cook another at Pecan Point on Red River; while Captain Smith, who had come by water, bringing forty additional men, was ordered to the Cooshattie Village on the Trinity.

Dr. Long had sent a request to La Fitte that he would join him in his enterprise; but as La Fitte rejected the proposition of the messenger, Long determined to visit him and urge his acceptance in person. He had reached the *Cooshattie* village on his way, when he learned that the

Royalist colonel, Perez, was advancing from the west with a large force. He immediately sent to his wife instructions to recross the Sabine into Louisiana without delay. Perez, on the 11th of October, 1819, surprised and captured Johnson and ten of his men. The remainder fled to Walker's camp on the lower Brazos. Perez pursued, and, on the 15th, attacked them with such fury, that they abandoned everything excepting their arms, and escaped to Smith's camp on the Trinity. David Long was killed at his trading-house on the Trinity. His men, closely pursued, escaped to Nacogdoches, when the whole population, with Long and the garrison, crossed the Sabine as speedily as possible. Colonel Perez, enraged to find the place depopulated, proceeded across the country to Smith's fort on the Trinity. Smith's force, with the refugees, amounting to seventy-five men, retreated, were pursued and overtaken. They lost several of their men in a sharp encounter, and made their escape to Bolivar Point, where they established a camp.

QUESTIONS.—Who led the next expedition into Texas? Who was he? With what was he familiar? What did he think would be of benefit to him? When did he leave Natchez? How many joined him? Who were among them? How many arrived at Nacogdoches with him? What did they accomplish at Nacogdoches? What laws did they enact? What was their plan for occupying the country? Where was Captain Smith ordered? What of Long's visit to La Fitte on Galveston Island? What tidings met him on the way? What did Perez do? What did the Americans do? What can you tell of the fate of David Long and his men? What can you tell of Smith and his men?

CHAPTER XVI.

LONG'S SECOND EXPEDITION INTO TEXAS, TAKEN PRISONER, RELEASED, AND ASSASSINATED.

DR. LONG now determined to penetrate the country from the sea coast. He coasted around from Louisiana with a few followers, and joined the men under Smith at Bolivar Point, then returned to New Orleans to secure additional aid in men and means.

Dr. Long met with encouragement from General Ripley, Colonel Christy, and other men of wealth, and also with Benjamin R. Milam, John Austin, and Don Felix Trespalacios, a patriot exile from Mexico. These last were coöperating in a plan to procure aid for the Patriot cause in Mexico. Dr. Long decided to join these men. Accordingly, with Mrs. Long and child, and the addition of a few other patriotic spirits, they embarked on three or four small vessels and landed first at Bolivar Point.

It was agreed that Milam, Trespalacios, Christy, and others should sail down the coast, effect a landing near Tampico, and, with the patriot forces which they hoped to raise in Mexico, move north and meet Dr. Long in his march by land from Goliad. They sailed, leaving Dr. Long to complete his arrangements.*

An unfortunate affair happened about this time. Among Long's men was one Mordella, a nephew of Trespalacios, who was detected in a conspiracy against the expedition, for which he was tried and executed on the east end of Galveston Island.

When Long's preparations were completed, he left his wife, child, and negro servant woman, also Mrs. Allen, Dr. Edgar, and three other men, with a mounted cannon, small arms and ammunition, and a supply of provisions, at Bolivar.

Making his way along the coast with three small vessels

* Soon after the separation a French vessel, freighted with wines and other supplies for the Mexican trade, stranded on Galveston Island. The Carancahua Indians, numbering about two hundred, were encamped in the vicinity, and at once attacked and butchered all on board, plundering the craft, drinking the wine, and indulging in a general carousal. Long determined to chastise them. After nightfall, with thirty men, he passed over to the island in small boats and surprised them. Not daunted by the surprise, they, numbering nearly seven to one, turned upon their assailants with such fury, that Dr. Long, after losing three of his men, retreated to his boats. *Thirty-two Indians were killed.* He took two Indian boys prisoners.

and fifty-two men, Long debarked at Mezquit landing on the Guadalupe River. Leaving his boats in care of Mr. Black, who was soon after killed by Indians, he marched to Goliad, and found the fort garrisoned with a small force of Royalists. After a feeble resistance they surrendered, and Long remained in peaceable possession for three days.

On the morning of the fourth day they were aroused by the reveille of the Royalists. There were about seven hundred cavalry, with four pieces of artillery, under General Perez, besides some irregular troops from the vicinity, under Rodriguez.

The first attack of the Royalists was repulsed with severe loss to the enemy, when they drew off and demanded a surrender, which was promptly declined. The second attack was more vigorous, lasting two hours, the enemy gaining the housetops, from which they fired into the fort; but the deadly effect of Long's rifles told upon every soldier who raised his head above the palisadoes. They again sounded a parley, when a messenger appeared to say that the attacking party had been misled; they were not Royalists but Patriots, and had fought under that flag to deceive a Royalist party in the vicinity.

Long was caught in this trap, and allowed himself to be persuaded to evacuate the fort, leaving his arms stacked, "to quiet the fears of the inhabitants." An escort was promised to conduct him to his comrades in Mexico, while his men remained under their care until he should indicate by express to what point he wished them sent.

The men were taken as prisoners to San Antonio (Long, Burns, and John Austin on horseback, and the men on foot), and finally sent to Monterey. In the meantime the Patriots were in the ascendant in Mexico, and in the City of Mexico Long rejoined his friends, Trespalacios, Christy, and Milam. Here they were hailed as brethren, and Trespalacios was made Governor of Texas.

He here met a sad fate. On the occasion of the visit of the Chilian minister to the capital city, Dr. Long was calling to pay his respects to him, among other distinguished visitors, when he was shot, and fell in the gateway of the building. Long's friends, Burns, Milam, John Austin, and Christy, suspected Trespalcios of this deed, and determined to avenge it by intercepting him on his way to San Antonio as governor. The intentions of these men were betrayed, and they were arrested and sent prisoners to the City of Mexico, where they remained ten months. They were released November 11, 1822, through the influence of Hon. Joel R. Poinsett, American minister to Chili, then in the city. In May, 1822, the United States, under Mr. Poinsett's influence, had acknowledged the independence of Chili. President Monroe directed him to stop in Mexico on his way to Chili, and make such observations of the condition of the country as his opportunities permitted. This was the last military expedition undertaken by Americans for the conquest of Texas.

QUESTIONS.—What change of plans did Dr. Long make on his second expedition? Whom did he decide to join? What general plans of operations were agreed upon? What misfortune occurred about this time? What was Long's next move? What occurred on the morning of the fourth? Describe the attack by Perez. Was Long caught in this trap? What was the state of affairs in Mexico at this time? Whom did Long meet in the City of Mexico? What was Long's fate? What befell Burns, Milam, John Austin, and Christy?

CHAPTER XVII.

FIRST AMERICAN COLONIZATION IN TEXAS—MOSES AUSTIN— STEPHEN F. AUSTIN.

MOSES AUSTIN was a native of Connecticut, whose early manhood was spent in Philadelphia, and in Richmond, Virginia. He afterwards removed, with his family, to Missouri, while it was a part of Louisiana, then belonging to Spain.

The motives which first prompted Moses Austin to leave *Missouri and attempt to establish a colony in Texas* were,

chiefly, the failure of his lead mining and other enterprises, which, after all his liabilities were faithfully cancelled, left him with limited means ; and being interested in the accounts given by returning adventurers from Texas, with some knowledge of the Spanish land system and the Spanish language, and still in possession of a Spanish passport from the Spanish minister to the United States, in 1797, when starting for Missouri.

Moses Austin presented himself to the Spanish authorities of San Antonio with three travelling companions, one his slave, and the other two each with different objects from his own. There was nothing threatening in his appearance, and he made known his peaceful mission immediately, arriving on the 23d of December, 1820.

The governor, Martinez, summoned the three men to appear and give answer as to the reasons for their presence in the country. To these questions satisfactory answers were given on oath, Baron de Bastrop, whom Austin had known in Missouri, being interpreter. Moses Austin made application in writing for a grant of land and permission to settle a colony in Texas. This was approved by the governor, Bastrop, and the local authorities, and, with their recommendation, was forwarded to General Arredondo, civil and military governor at Monterey. Austin left San Antonio in January, 1821, to return to Missouri, before the answer to his petition was returned. Travelling on horseback in most inclement weather, without shelter at night, he contracted pneumonia, of which he died in Missouri, June 10, 1821.

Austin's petition was granted at Monterey on the 17th of January, 1821, and sent to Governor Martinez, at San Antonio, who immediately despatched it to Mr. Austin, through Don Erasmo Seguin as commissioner. The document reached Mr. Austin before his death, and he bequeathed the management of the enterprise to his son, Stephen Fuller Austin.

Stephen Fuller Austin was born in Wythe County, Vir-

ginia, November 3, 1793, and removed with the family to Missouri in 1799. He was educated partly in Litchfield, Connecticut, and partly at Transylvania University, Kentucky. At the time of his father's death he was in New Orleans. Hearing of the arrival of the commissioner, Seguin, at Natchitoches, he immediately left New Orleans, expecting to meet his father at that place. Here he learned of his death, and of his expressed wish that he should carry forward his colonization plans. This Stephen F. Austin determined to do.



STEPHEN FULLER AUSTIN.

He started from Natchitoches, July 5, 1821, with Commissioner Seguin and seventeen companions, and arrived at San Antonio, August 10th of that year.

He was kindly received by Governor Martinez, and permission granted him to explore the Colorado and adjacent streams, and make

such selection as suited him for the settlement of three hundred families, the number proposed in his father's application.

To *Empresarios* (contractors) was granted for each one hundred families five leagues, or twenty-one thousand one hundred and forty acres of grazing lands, and five labors or eight hundred and eighty-five acres of irrigable or farming lands.* Temporary control of the civil government of his

*Heads of families were ultimately given a league and labor, or four thousand six hundred and five acres. Single men were allowed one thousand four hundred and seventy-six acres. These became the amounts before any material advance was made.

colony, with the power of organizing militia companies for protection against Indians, was granted Stephen F. Austin until other provisions could be made, he reporting from time to time to the authorities at San Antonio.

Having decided to locate his colonists on the Lavaca, Navidad, Colorado, Brazos, and San Jacinto, as might seem best, he went to New Orleans to perfect pecuniary arrangements for the settlement of his colony.

Austin issued circulars in which were published the requirements of the Mexican colonization law, that they should support the Roman Catholic religion, and bring from the civil authorities of their own country certificates of good moral character.

QUESTIONS.—Tell all you know of Moses Austin and his attempt to colonize Texas. When did he die? To whom did he bequeath the management of his enterprise? When was Stephen F. Austin born? Give an account of his life up to the time of his coming to Texas. Where did he learn of the death of his father? What did he determine to do? When did he start from Natchitoches? With whom? What was he granted? What permission was granted to *Empresarios*? What provision was made for the temporary control of his colony? What was his next preparation? What was required of the colonists?

CHAPTER XVIII.

COLONIZATION (*continued*)—FIRST ARRIVAL OF A VESSEL WITH SUPPLIES—AUSTIN ARRIVES WITH FAMILIES BY LAND—CARANCAHUA INDIANS—FIGHT WITH THE INDIANS—OTHER SETTLERS.

THE first vessel to arrive with supplies was the small schooner *Lively*, landing them for concealment near the mouth of the Brazos. The vessel then returned to New Orleans for further supplies and for passengers.

In the meantime Austin left New Orleans in November, 1821, and went to Natchitoches to meet and escort several families by land into his colony. They reached the Brazos on the 31st of December, and made a camp the next day on a small creek, which they named "New-Year's Creek." In

that vicinity several families settled. This was the beginning of American colonization in Texas.

Unfortunately, the Carancahua Indians appropriated the supplies concealed on the Brazos ; and the schooner *Lively*, on her next voyage, with eighteen passengers, was lost at sea. About this time Austin's brother, James Brown Austin, and Josiah H. Bell, a South Carolinian, with his young Kentucky bride, and very soon others, arrived ; some settling at the old crossings of the Brazos, others on the Colorado and on other parts of the colonial lands.

Austin now thought best to report to the authorities at San Antonio. He was there informed that, on account of a change of government in Mexico, it would be necessary for him to repair to that city and obtain a renewal of the rights previously granted to his father and transferred to himself. Without unnecessary delay, with one companion, Dr. Robert Andrews, Austin started on horseback, March 20th, and arrived April 29, 1822.

Other settlers came in March. The schooner *Only Son* put into Matagorda Bay with ninety persons on board and a liberal supply of provisions and farming implements. Several families were among them, and all were persons of the best classes. They had the misfortune to lose several of their number from yellow fever on the gulf. A few days later another vessel arrived with several families. The colonists from both vessels landed on the west bank of the Colorado, three miles above its mouth. They were soon visited by Carancahua Indians, who professed friendship. It was found necessary to send to Goliad for carts to move the families and their supplies up the country. During the absence of this party, an American settler from Cummin's Creek visited the camp, and, leaving three or four men as guards, took the families with him to his camp. On the return of the men with the carts, they found that the Indians had murdered the guard, and destroyed or stolen the supplies.

The colonists combined, and, under command of Capt. Jesse Burnham, surprised and killed a considerable number of Indians.

Settlers continued to arrive both by land and water. Eighty arrived on the schooner *Revenge*. These landed on the west side of Galveston Bay, and sought various localities. Mr. William Pettus was among these, and made the first settlement on the San Jacinto River. From Long's expedition, in 1819, Anson Taylor settled near the Cooshattie village on the Trinity, and in 1820 Col. James Knight and Walter C. White burned off a cane-brake on Buffalo Bayou and raised a crop of corn.

QUESTIONS.—What can you tell of the first vessel to arrive with supplies? In the meantime where did Austin go? What did he accomplish? What calamity befell the colony at this time? Who arrived about this time? What did Austin think it best to do? What did he learn? Where did he decide to go? When did he arrive? What additions were made to the colonies during this time? By whom were they visited? What was found necessary? What occurred during their absence? How were the Indians punished? Did settlers continue to arrive? Who was among them? What individuals had made settlements previous to the coming of Moses Austin?

CHAPTER XIX.

STEPHEN F. AUSTIN'S SUCCESS IN MEXICO AND HIS RETURN —OTHER APPLICANTS FOR GRANTS.

AFTER many vexatious delays on account of the revolutionary condition of Mexico, Austin succeeded in obtaining a confirmation of his grant from the provisional Congress, by a special concession of that body, April 14, 1823.

Besides Austin, Haden Edwards of Mississippi, Green De Witt of Missouri, General James Wilkinson late of the United States Army, and Robert Leftwick of Tennessee, afterwards represented by Sterling C. Robertson, were in Mexico at the same time, making applications for grants of land in Texas. These, excepting Wilkinson, succeeded later.

Austin left Mexico on the 28th of April and reached Texas

about the middle of July. He was confirmed, by the provincial authorities in Monterey, in full powers for the administration of justice and the municipal affairs of his colony, with the powers and rank of lieutenant-colonel of militia, holding himself subject to the commanding general of the eastern internal provinces. On his return Austin submitted his papers to De la Garza, acting governor of Texas, successor of Trespalacios, and procured the appointment of his friend, the Baron de Bastrop, as commissioner to issue land titles to the colonists. Austin laid out the capital of the colony on a beautiful prairie bluff fronting on the west bank of the Brazos, and the governor combined the name "San Felipe" with "de Austin."

A few colonists during Austin's absence, weary of the delay, retired to Red River; others scattered from the original settlement on the Brazos to the San Jacinto, Colorado, etc., and a small number returned whence they came. About two hundred who had fled from Arredondo in 1813 returned between 1819 and 1822 to Nacogdoches and San Antonio, and became the centre of refined and influential communities.

De Bastrop the commissioner arrived in August, 1823, but the delay in surveying and returning the field notes delayed the issuing of titles; but in 1824 about two hundred and forty-seven titles were issued.

The adoption, October 4, 1824, by the successful party in Mexico, of a Federal Republican Constitution, gave the colonists great confidence in Mexico, and they were much encouraged.

FIGHT WITH INDIANS.

The colonists forebore to punish the Indians—Carancahuas—as long as possible, hoping to win them to a permanent friendship, but their depredations became so frequent and daring that it was thought necessary to chastise them. Captain *Randall Jones* was sent with twenty-three men for this

purpose. They met with another party who were on the same errand, and together they attacked the Indians, killed several, and dispersed the remainder. They soon afterwards encountered them concealed in marshy grass, when the Indians fought to such advantage and with such desperation that Captain Jones retired, leaving three valuable men dead and several wounded. The Indians lost fifteen. Nine of their warriors who had prepared to kill a party from the San Antonio River were killed from an ambush, and it was hoped that this would be sufficient ; but their depredations continued, creating alarm among families isolated from each other. In 1823 they waylaid three young men, killing two and severely wounding the third. Colonel Austin resolved to inflict a chastisement upon them that should effectually break them up. With about one hundred well-armed colonists he went in the direction of Goliad. To his great surprise, a few miles east of that place he met the *padre*—a priest—alcalde, and others of that place who had come out to intercede for the Indians. It was explained that these Carancahuas had belonged to that mission, and now, fearing the threatened punishment, they had professed penitence, and through the good *padre* wished to promise the colonists not to cross the San Antonio or Guadalupe Rivers—a pledge which they did not keep. (Shown in "History of Texas," by John Henry Brown.)

CHANGES AFFECTING TEXAS.

On the 7th of May, 1824, an act was passed by the Patriot Congress in Mexico, converting the Mexican provinces into states ; and Texas, which had been a distinct province, was joined to Coahuila, "until such time," it was said, "as Texas shall be in a condition to figure as a state by herself." A national colonization law had been enacted in August the previous year.

Saltillo, in Coahuila, became the capital. The first (constituent) Congress met on the 15th of August, 1824, with but

two representatives from Texas, when her population entitled her to four. The constituent Governor, Rafael Gonzales, was appointed by the Congress, and there was a council of four. An officer styled "Chief of the Department of Texas" was appointed by the governor, February 1, 1825. (See Decree No. 13.) His duties were similar to those of a governor. His residence was in San Antonio, and he was the medium of communication between the people and the governor, to whom he was responsible, and whose residence was in Saltillo. The archives of Texas were removed to Saltillo.

The first Chief of the Department for Texas was José Antonio Sancedo, who entertained prejudices against Americans. The Federal Constitution, although adopted in Mexico on the 4th of October, 1824, was not proclaimed in Texas until January, 1825, as the fundamental law of the land.

The spirit of colonization was much stimulated, when on March 24, 1825, the State Congress enacted a State colonization law, declaring that they "desired, by every possible means, to augment the population of her territory, the cultivation of her soil, and the progress of arts and sciences," made lavish provisions for the distribution of lands, and greatly stimulated the desire for colonial enterprises. About thirty applications for *Empresario* grants were made, many of which failed for want of compliance with the requirements of the law.

There were many and valuable additions to the population, men whose names became identified with the most important and interesting periods of Texas history. Several came on their own account, and chose their homes independent of *Empresario* restrictions.

QUESTIONS.—What can you tell of Austin's success in the City of Mexico? Who, besides Austin, was in Mexico petitioning for colonial grants in Texas? When did Austin return to Texas? With what powers was he confirmed? To whom did he report on his return? What appointment did the Baron de Bastrop receive? Where was the capital of the colony laid out? How was it named? What changes took place in the population during Austin's absence? When did De Bastrop issue land titles? What

occurred in Mexico in 1824, which greatly raised the spirits of the colonists ? Give an account of the fight with Indians at this time. Did their depredations continue ? How did Austin determine to put a stop to their atrocities ? What acts affecting Texas were passed by the new Patriot Congress of 1824 ? What place became the capital of the new State of Coahuila and Texas ? When did the first Congress meet ? What officer was supplied to Texas ? What were his duties ? Where was he to reside ? Who was the first political chief of Texas ? What were his feelings toward Americans ? When was the Federal Constitution proclaimed in Texas ? What stimulated the spirit of colonization at this time ? Were many applications made ? Why did some of them fail ? Did the population increase ?

CHAPTER XX.

THE COLONIES OF DE LEON, DE WITT, AND EDWARDS.

IN 1823, Martin de Leon, a Mexican, obtained permission to settle forty-one families on any vacant lands on the Guadalupe River, which he effected in 1824, his grant being ratified by the State in 1825. In 1829 he was authorized to settle one hundred and fifty additional families, and to extend his bounds to the coast. (Hitherto ten leagues of coast lands had been withheld by the government.) This he also accomplished, and laid out the capital of his infant colony, which he named Guadalupe Victoria, in honor of the old patriot chief and first President of Mexico, Guadalupe Victoria.

GREEN DE WITT'S COLONY.

Green De Witt of Missouri, with other applicants, was in the City of Mexico while Austin was in that city in 1822-23 for the same purpose. His grant was delayed on account of their political troubles, and was issued by the State of Coahuila and Texas on the 15th of April, 1825.

De Witt agreed to settle four hundred families between the Lavaca River and Austin's colony on the east, the San Antonio and Nacogdoches road on the north, De Leon's colony on the south, and a line between the Guadalupe River and Cibolo Creek on the west.

Major James Kerr resigned his seat in the senate of

Missouri to accept the position of surveyor and administrator of the affairs of De Witt's colony. He arrived on the *Brazos* with his family in February, 1825, and arrived at the scene of his labors on the Guadalupe in August. He laid out the town for the capital of the colony, which he named Gonzales in honor of Rafael Gonzales, Governor of Coahuila and Texas.

With Major Kerr were his negro servants (his wife and two children having died on the *Brazos*), and six white men, "Deaf Smith" (Erastus Smith), Basil Durbin, Geron Hinds, John Wightman, James Musick, Strickland, and was soon joined by Francis Berry and family. These were sixty-five miles west of the settlements on the Colorado, sixty miles north of Victoria, in De Leon's colony, and seventy-eight miles east of San Antonio. In the absence of Major Kerr, Wightman was killed by Indians and scalped, and all the others fled to the Colorado.

Major Kerr then changed his locality temporarily to the Lavaca River (now in Jackson County), erected block-houses for defence, and thus became a nucleus for others. From this place permits were issued to settlers as late as the beginning of 1828, when, De Witt's own family arriving in 1827, with others, Gonzales on the Guadalupe River became the centre of the population. The surveying of lands was continued. The surveying party, always armed for defence, kept guard night and day against Indians.

HADEN EDWARDS' GRANT.

Since 1820 the Cherokees and other United States Indians had been settling on lands in the east. Nacogdoches was an old settlement with a mixed population, and the "neutral grounds" had their admixture of good and bad of many nationalities, while scattered over the country were individual grants—some real and some pretended—from the former authorities under Spain. Unfortunately the *Empresario*

grant to Haden Edwards, for eight hundred families, covered lands, much of which was previously occupied. He was pledged to respect and protect all genuine claims.

Having gone to the United States after receiving his grant, dated April 18, 1825, and making extensive preparations for the introduction of families, including his own, he returned to Nacogdoches in October, and found, that, in view of the prospective increase in the value of lands, many old Spanish claims had been set up which he believed to be fraudulent. To settle this difficulty, in November, Edwards gave notice, requesting all claimants to exhibit their titles, that the true might be respected and the false rejected. This plan was opposed by a number, chiefly Mexicans, who seduced into their ranks many for whose benefit it was intended.

Near this time Edwards ordered an election for military officers, which was an *Empresario's* right, and went on to advise the election for the civil office of alcalde, which was at the time filled by a Mexican, José Antonio Sepulveda.

Norris, a brother-in-law of James Gaines, a resident of the neutral grounds, was a candidate; and, unfortunately, Haden Edwards allowed his son-in-law, Chaplin, to be a candidate for the same office. If successful it would put the whole local government, civil, military, and colonial, in one household. Each candidate claimed the election. Chaplin took possession of the office, but Sancedo, political chief at San Antonio, decided in favor of Norris, the Mexicans' candidate, and the office was peacefully surrendered to him. On several occasions in which Mexicans were the aggressors, and against whom complaints were made to the political chief, decisions were given in favor of the Mexicans; and when Edwards intimated a suspicion of partiality, Sancedo was indignant. At every step the breach widened. Edwards discovered that whenever the claim of a colonist was in conflict with an old Spanish claim his colonist was ousted by decision of the authorities. It was evident that injustice, plotted in Nacog-

doches and protected in San Antonio, was sowing poisonous seeds.

Edwards received a letter from Sancedo, dated May 1, 1826, in which he was charged with illegal proceedings in holding the election for military officers, and also for calling for an investigation of titles.

QUESTIONS.—When was De Leon's colony founded? Where? Give an account of it. When was De Witt's application for a colony first made? Why was his grant delayed? When was it finally made? What were the conditions of his grant? Who was chosen as his surveyor-general and administrator of his colonial affairs? When did he arrive? What did he proceed to do? Who were with Kerr in forming the settlement? Where were these settlers located? What befell the settlement? Where did Major Kerr next locate? What was the condition of the eastern portion of the State? Where was the grant of Haden Edwards located? What was he pledged to do? What obstacles met Edwards at the outset? What was his plan for settling the difficulty? How was this plan regarded? What else occurred to aggravate the trouble? Who were the candidates? How did the election terminate? What other unfortunate events transpired? What did Edwards discover? What was evident? What did political chief Sancedo write to Edwards?

CHAPTER XXI.

HADEN EDWARDS' COLONY (*continued*)—FREDONIAN WAR— COLONY BROKEN UP.

It became necessary for Haden Edwards to revisit the United States on business, his brother, Benjamin W. Edwards, taking charge of colonial affairs in his absence. Seeing that all was not right, Benjamin W. Edwards wrote to Stephen F. Austin and Baron de Bastrop, then in the Congress at Saltillo, for advice. Austin advised him to write to Victor Blanco, successor of Gonzales as governor of Coahuila and Texas. He did so, and on the 2d of October received a letter from that dignitary, condemning his acts and expelling him from the country.*

* The letter closes in these words: "In view of such proceedings, by which the conduct of Haden Edwards is well attested, I have decreed the annulment of his contract and his expulsion from the territory of the republic, in discharge of the supreme orders with which I am invested. He has lost the confidence of the government, which is suspicious of his fidelity; besides, it is

Haden Edwards had returned when this letter was received. It occasioned intense excitement. The Sepulveda party were exultant. Mexican claimants came forward, asserting prior claims to the most valuable lands held by Americans, which they were forced to relinquish or submit to fine and imprisonment, an armed *posse* being held in readiness to enforce the claim. Edwards interposed to hold his friends in moderation, while he wrote dispassionately to the government, explaining facts. He had expended large sums of money in preparing for his colonists, who, confiding in him, had sold their homes, and many had made costly preparations for their new enterprise, but all to no purpose. His colonists now resolved to defend their rights, and proceeded to organize for that purpose. Learning that John Dunn Hunter, a chief of the Cherokees, had returned from Mexico, after making an unsuccessful application for lands for those Indians, the colonists sought an alliance with him, while the Edwards brothers visited the American settlers on the Attoyac, near Nacogdoches, to arouse them and secure their coöperation.

They assumed the name of "Fredonians," and by the 18th of December mounted two hundred fighting men, under command of Martin Parmer, a man of many eccentricities, of great physical strength and courage, as well as great strength of will. After three days' deliberation on the part of the Indian chiefs and the Fredonian legislative committee, of which Martin Parmer was president on the part of the Americans, they entered into a "solemn league and covenant."

not prudent to admit those who begin by dictating laws as sovereigns. If to you or your constituents these measures are unwelcome and prejudicial, you can apply to the supreme government; but you will first evacuate the country, both yourself and Haden Edwards, for which purpose I this day repeat my orders to that department, in the execution of which, as they will expel all evil doers, so they will extend full protection to those of worth, probity, and useful skill that have settled therein, and are submissive to the laws and constituted authorities.

"VICTOR BLANCO."

This "league and covenant," dated December 20, 1826, was a declaration of independence from Mexico, and for a republic, styled "the Republic of Fredonia." The territory of Texas was to be divided into two parts by a line north of Nacogdoches, running east and west across the country; all north of the line to belong to the Indians and all south to the Americans, and the war was to be prosecuted until the independence of Texas was achieved.

Having been in Mexico while Hunter was on his fruitless errand, Ellis P. Bean now came, with thirty armed Mexicans, commissioned to grant the Indians whatever lands they wished for colonial settlement. Learning of the condition of affairs, he retreated for a time towards the Trinity. Supposing this to be an armed force sent to attack them, the Fredonians took possession of a stone house and fortified for defence. The leaders of this enterprise promised themselves aid from Austin's and De Witt's colonies, as well as from the United States.

A delegation from the two colonies went to Nacogdoches with remonstrances, representing that the disposition of the settlers was peaceful, and that they were in no situation to aid them in such an enterprise. The peaceful delegation returned without success.

About the 1st of January, 1827, Colonel Ahumada, with the political chief Sancedo and about two hundred Mexican troops, on their way to Nacogdoches from San Antonio, came to San Felipe and halted to confer with Austin. As a result, on the 22d of January, Austin issued an address to the inhabitants of the colony, setting forth that the peacemakers had returned with the insulted olive branch, taking it thus for granted that those "madmen" had "denounced massacre and desolation to the colonies," by exciting the northern Indians to war. Following this was a call "to arms!" and an exhortation to "hasten to the standard of our country!" "The first one hundred men will march on the 26th. Neces-

sary orders for mustering and other purposes will be issued to commanding officers. UNION AND MEXICO !”

STEPHEN F. AUSTIN.

A fratricidal war was happily averted. When the Fredonians learned of the approach of the Mexicans under Ahumada, runners were sent to the Indians, calling for the promised assistance, but it was too late. Bean had already won them from their covenant, and arrayed them against their chiefs, Hunter and Fields, both of whom they basely murdered. The Mexican troops halted for the Indians to join them, when the Americans, seeing themselves deserted, and having previously sent off such families as desired to leave, abandoned the place on the 31st of January, and retired across the Sabine, when the Mexicans entered and took possession.

The rights of Americans had been outraged by Mexicans, and although the result was inevitable, the episode made a deep impression upon the minds of many thoughtful Americans.

These lands were afterwards granted to *Empresarios* David G. Burnet, Lorenzo de Zavala, and Joseph Vehlin, and were bought by New York capitalists for speculation.*

QUESTIONS.—What now became necessary for Haden Edwards? What was his brother's duty in his absence? What did Austin advise? What was Blanco's reply? What was the effect? What was Edwards' disposition? What conciliatory steps did he take? What did the colonists resolve to do? Whose alliance did they seek? Describe the proceedings. What was this “league and covenant”? On what errand did Ellis P. Bean approach Nacogdoches about this time? What did he do on learning the condition

* The Edwards brothers were natives of Kentucky, but were at this time residents of Mississippi and wealthy planters. They belonged to a family, members of which have been distinguished for talent and public service in Virginia, Kentucky, Illinois, Missouri, and Texas. Benjamin W. Edwards returned from Texas to Mississippi, where he died about 1845, a few days after his election as governor of that State. Haden Edwards had thirteen children, most of whom became permanent settlers in Nacogdoches and other parts of the State. A daughter was the wife of Frost Thorn, temporarily associated with De Witt.

of affairs ? What did the Fredonians do ? What was done by the two colonies ? What occurred in January, 1827 ? What course was now pursued by Austin ? How was this threatened war averted ? What was the end of the Fredonian war ? What disposition was afterwards made of the land ?

CHAPTER XXII.

NACOGDOCHES—GROWTH OF COLONIES—PROCLAMATION OF THE CONSTITUTION OF COAHUILA AND TEXAS—SETTLEMENT OF THE COAST LEAGUES—LOCAL GOVERNMENT OF COLONIES—RELIGION OF COLONISTS—EDUCATIONAL FACILITIES.

NACOGDOCHES and the country around it received constant additions, being near the United States, and settlers coming independently.

Austin's colony was successful because it was well organized from the beginning. He was given power to exercise the local functions of government as well as the command of the local militia.

After the exact boundaries were fixed, March 7, 1827, the colonies grew more rapidly—Austin's, De Witt's, and De Leon's. Sterling C. Robertson, after some delay, was partially successful.

The State constitution was not proclaimed in Texas until two years after the combination of the two provinces—March 11, 1827.

In 1828 the ten coast leagues and the twenty border leagues separating Texas from the United States were open to settlement.

Austin's colony had consisted of two municipalities, with an *alcalde* in each. Under the new State government Austin's governmental powers ceased and were merged in that of the State. A political chief was a department officer, exercising both civil and military rule. An *alcalde* was a *municipal officer*. A meeting of the *alcaldes* about three

times a year formed an *ayuntamiento*, or court of appeals. Each municipality had two *regidores* (justices) and a *syndico procurador* (marshal).

The new State law contained the old requirement that the Roman Catholic should be the religion of the State, but there were no local priests among the people permanently, nor did the Protestant colonists observe the feasts or public ceremonies of the Church. Occasionally Protestant ministers came among them and preached without molestation.

Nominally the government supported parochial schools in the larger towns; there were three or four private schools in the denser populations, but many years passed before the scattered children could collect with safety to form schools. Some of the more wealthy sent their children to the United States to be educated. In their social life, the colonists were hospitable to the highest degree, families being only too glad to welcome the wayfarer, who was supposed, nominally, to be furnished with a certificate of good character from good authority at home, and who added to the protection of isolated families; and, as there were few post-offices or newspapers, he paid in entertainment for his temporary abiding-place.

In the country remote from towns, settlements exchanged visits on horseback; the additional wardrobe (of ladies) in packages suspended from the horn of the saddle, and always accompanied by an armed escort. The usual distinctions of rank in society could not be afforded; the demands of pleasure, mutual protection, care of the sick, etc., all forbade it. They were cheerful, healthy, and having but little leisure made the most of it.

GENERAL CHARACTER OF THE PEOPLE.

The people were mostly of the best families of Southern people, who brought their intelligence, refinement, and Christianity with them. There was also an admixture of

Northern men, who brought their mechanical skill and enterprise, which were of value to the new settlements. The new dwellings were often with only a curtain at the doorway. The corn-crib was safe without lock or key, as was also the "smoke-house." If a horse was stolen the owner knew that Indians had committed the theft.

QUESTIONS.—What can you tell of the country around Nacogdoches? Why was Austin's colony more successful? What of the growth of the colonies? When was the constitution of Coahuila and Texas proclaimed? When were the coast leagues opened to settlement? How had Austin's colony been divided? How did the new State government affect Austin's powers? What now constituted the local government of the colonies? What of the religion of the colonists? What were the educational facilities? What of social life? What was the general character of the people?

CHAPTER XXIII.

BRADBURN AT ANAHUAC—ARREST OF COLONISTS—TURTLE BAYOU RESOLUTIONS—VELASCO.

IN 1827 the United States renewed her proposal to purchase Texas, the country between the Sabine and Rio Grande, from Mexico, offering one million dollars for it. The Mexicans suspected that the Texans were in sympathy with this proposal. It was rejected. The Mexicans were already in as close proximity to their American neighbors as they wished. Changes affecting Texas now took place. A new election, under the constitution of 1824, was now to take place in Mexico, the four years' term of office of Guadalupe Victoria, "the purest of all Mexican chiefs," having expired. Pedraza, the candidate of the aristocracy, received the most votes; but, as eight months intervened between the election and inauguration, there was sufficient time for a successful revolution by the constitutional party, headed by Santa Anna and Lorenzo de Zavala, and Guerrero, their candidate, was placed in office. Pedraza went into exile in the United States, and Anastasia Bustamente, a bigoted, unprincipled military

chieftain, was chosen vice-president. This officer headed a successful revolution against President Guerrero, assumed the presidency, and soon evinced his hatred of foreigners by issuing the celebrated decree of April 6, 1830, the eleventh article of which prohibited any further immigration of Americans into Texas.

This decree spread gloom over the colonies, as there were many parts of families, who, coming in advance, had been occupied in making preparations for the arrival of others; and there was no time to turn them back or to warn those who were on the eve of leaving, after selling their homes, of the fate that awaited them on their arrival. The Texans feared that this evidence of hatred might be followed up by others still more vindictive.

The following legislature, or congress, repealed the Colonization Law of 1825, and created another based upon Bustamante's odious decree of April 6, 1830.

About this time the period during which the colonists were exempt from taxation expired, and while the taxes imposed were not burdensome, the revenue officers were accompanied by soldiers to establish military posts and all necessary preparations for enforcing the collection of taxes.

The colonists complained of the burden which the support of the military imposed upon them—to which they were unaccustomed and which they considered unnecessary—and of another decree, forbidding Americans to retail goods to the colonists. Under pretext of necessity the military post at Nacogdoches was regarrisoned with three hundred and fifty soldiers under Colonel Piedras as senior commander. A post built at Anahuac, on Galveston Bay, with one hundred and fifty men, was commanded by Captain Bradburn, an American in the Mexican service. This position was chosen by General Teran. Velasco, on the gulf shore and on the east side of the Brazos, was held by Colonel Ugartechea with one hundred and fifty men. There was an increase of

the garrisons at San Antonio and Goliad, and a small force at Fort Teran on the Neches, under Bean.

Bradburn, at Anahuac, soon began to assume extraordinary authority. He issued an order closing all the ports in Texas excepting the one at Anahuac, subjecting the colonists in the west to the greatest inconvenience.

The people of the Brazos deputed Dr. Branch T. Archer and George B. McKinstry to go to Anahuac and respectfully request Bradburn to rescind his order closing the ports. They had discretionary powers as to the possibility of his refusing.

Bradburn at first assumed an imperious air, and haughtily refused their petition; but observing a peculiar flash in Dr. Archer's eye, and a change in the tone of his voice, he reconsidered his reply, and consented to open the port on the Brazos.

In 1831 Letona, the Governor of the State, had commissioned Francisco Madero to issue land titles to settlers already in the country on or near the Trinity, in the region of Liberty. He was also authorized to create municipalities where none existed.

At the request of the people, Madero organized the municipality of Liberty, with Hugh B. Johnson, an American, as alcalde, which was highly gratifying to the settlers.

Bradburn arrested and imprisoned Madero, dissolved the municipality of Liberty, and created one with Anahuac as the capital. The effect of Bradburn's course, together with the exactions and insolent behavior of the soldiery, created alarm throughout the country.

In the spring of 1832 Bradburn arrested and imprisoned in his fort, without authority of law, a number of the most prominent American citizens, among whom were William B. Travis, Patrick C. Jack, Samuel T. Allen, and fourteen others, who in vain demanded to be informed of the charges *against them and to be tried by the civil authorities.*

William H. Jack, resident in San Felipe de Austin, visited Bradburn and demanded the release of the prisoners or their transfer to the civil tribunals of the country.

For answer, Bradburn informed Mr. Jack that the prisoners would be sent to Vera Cruz for trial, which meant their incarceration in the prison of San Juan de Ulloa, to linger forgotten in the turmoil of events as they were transpiring in Mexico.

William H. Jack returned to the Brazos, reported Bradburn's answer, and appealed to the Americans to assist him in rescuing the prisoners. Messengers were sent over the country, and there was general alarm.

As soon as possible, men collected at a rendezvous near Liberty and organized, electing F. W. Johnson captain, Warren D. C. Hall, first, and Thomas H. Bradley, second lieutenant.

They marched directly for Anahuac. On their way they met and captured, without firing a gun, twenty of Bradburn's cavalry. These they retained prisoners. When they arrived at Anahuac, Bradburn informed them that he was no longer in command, having been superseded by an exiled Mexican officer named Souverin, a friend of Santa Anna.

The Americans returned to their camp, having effected nothing; but, as they had perfect faith in Santa Anna's fidelity to the cause of liberty, they hoped soon, by the aid of Souverin, to effect the release of their friends from prison and for redress of other grievances.

A few days after their visit to Anahuac an exchange of prisoners was proposed; to this the Texans readily agreed, and immediately released their Mexican prisoners, and sent commissioners to Anahuac to receive their friends from prison. The Mexicans not only refused to release their prisoners, but fired upon the commissioners. The Texans, having advanced from their camp to welcome their friends, met the commissioners retreating.

The Texans retired to their camp, and, after much consultation, decided that it was unwise to attempt to take the fort without artillery. On the 13th of June, 1832, they resolved themselves into a mass meeting of citizens, on Turtle Bayou, and, as such, passed a series of resolutions.

The Texans, expecting to be called to account for what they determined to accomplish (the release of their friends), wished to place themselves upon record as loyal to the principles of the government under which they lived.

THE "TURTLE BAYOU RESOLUTIONS."

In these "resolutions" the Texans condemned the acts of Bustamante, the usurper at the Federal capitol, and of his minions in Texas, by whom the constitution of 1824 had been subverted, pledging their adherence to that instrument as then upheld by "the well-deserving patriot, Antonio Lopez de Santa Anna."

After these proceedings, men were despatched to the Brazos for the double purpose of bringing reinforcements and a piece of artillery then at that place. Reinforcements arrived in a day or two, and they awaited the arrival of the artillery.

Fortunately at this time Colonel Piedras, with a small force from Nacogdoches, arrived at Anahuac, in response to an appeal from Bradburn. After deliberately getting at all the facts in the case, Piedras released the prisoners and placed Bradburn under arrest, putting Souverin in command. The armed citizens gladly disbanded and returned to their homes.

QUESTIONS. What aroused the jealousy of Mexico in 1827? What changes took place in Mexico in 1828 affecting the interests of Texas? Who was elected vice-president? What is said of him? What did he do? How did his acts affect Texas? How was this carried out by the Congress of Coahuila and Texas? What other cause of disaffection occurred at this period? Of what did the colonists complain? What military posts were established and garrisoned? What was done by Bradburn? What was done by the *settlers on the Brazos*? What was the result of this mission? What occurred in 1831?

What was done by Madero? What was Bradburn's course? What was its effect? What was done by Bradburn in the spring of 1832? What did they demand? What did William H. Jack demand? What was Bradburn's answer? What appeal did William H. Jack make? What was the immediate result? What was next done? What was effected by their visit to Anahuac? What did the Americans now hope for? How was their faith in Souverin destroyed? What was next done? What was their purpose in this? What were the "Turtle Bayou Resolutions"? Relate what followed these resolutions. What favorable event now occurred?

CHAPTER XXIV.

VISIT FROM PIEDRAS TO ANAHUAC—BATTLE OF VELASCO, JUNE 26, 1832—BRADBURN DISMISSED.

IN the meantime men who were sent for the cannon had reached Brazoria, aroused the people, secured the artillery and a vessel, and started for Anahuac.

Colonel Ugartachea refused to allow the armed vessel to pass his fort at Velasco, at the mouth of the Brazos, and the Texans determined to oust him first, and then pass on with their vessel to the expected encounter at Anahuac.

These Texan soldiers were private citizens, leaving their daily avocations to perform what they knew to be a perilous duty.

They assembled to the number of one hundred and twelve men, every man among them knowing himself to be a sure shot with his rifle. They divided into three companies. John Austin, one of Long's men, and Henry S. Brown, each with forty-seven men, and William J. Russell were chosen captains. Russell was in command of eighteen marines with the schooner *Brazoria* and artillery. Captain John Austin ranked as commander of the whole.

They marched down the east bank of the Brazos to within a few miles of the fort, and halted for two or three days, hoping to effect an arrangement with Ugartechea, while at the same time they were receiving arms, ammunition, and supplies.

In the meantime the good Padre Muldoon visited each

party. He reported that Ugartechea was confident that ten thousand riflemen could not dislodge him from his position. Captain John Austin replied: "Wait until to-morrow, Padre, and we will see."

The fort at Velasco occupied the angle formed by the Brazos River and the Gulf coast. It consisted of two parallel rows of posts, six feet apart, filled between with sand, earth, and shells for the outer walls. Inside the walls was an embankment on which musketeers could stand and shoot over without exposing any part of the person but the head. In the centre was an elevation of the same material, enclosed by higher posts, on which the artillery was planted, and protected by bulwarks.

The Texans had no protection except that between the fort and the sea beach; about thirty yards distant was a lodgment of drift-wood thrown up by the gulf. On the inner side were some slight elevations of sand. With these exceptions the surface around the fort was perfectly flat.

On the night of June 25th Captain Russell, on the schooner *Brazoria*, with their small cannon and eighteen riflemen, dropped down abreast of the fort. Captain Brown, with his forty-seven riflemen, several of them scarcely grown to manhood, made a detour, and effected a lodgment behind the drift-logs. Captain Austin approached from the north within easy range of the fort, each of his forty-seven men furnished with a portable palisade made of three-inch cypress plank, supported by a movable leg to hold it in position.

It was midnight and excessively dark. An accidental shot from one of Brown's men in getting into position revealed their presence, and the battle began; the guns, large and small, from the fort, sending forth a blaze of light, the only light the assailants had. Brown's men availed themselves of the flashes from the fort without corresponding exposure on their part, but the palisades on which Austin's *men had relied for protection* were soon riddled into splinters

and thrown away, the men rushing to the protection of the walls of the fort, where they were safe from the guns, and fired at random into the fort.

From the schooner the gallant Captain Russell turned loose his gun, sending messengers of slugs, lead, chains, scraps of iron, or whatever they had been able to pick up for the occasion.

Each of Austin's men dug a pit, for his own protection, in the sand. Burrowed in these holes his riflemen, and those of Brown behind the drift-logs, did fearful execution; and deadly was their aim at the heads of the Mexican infantry whenever they were visible above the walls, and of the gunners serving the artillery.

The Mexicans then resorted to the plan of firing without showing their heads, but the riflemen sent balls crashing through their hands and arms. The schooner continued to do effectual work. By nine o'clock the next morning more than two-thirds of Ugartechea's men were either killed or wounded, a result believed to be unparalleled under similar conditions in the history of warfare.

Captain John Austin sounded a parley and demanded the surrender of the fort, to which Ugartechea asked two conditions: that his officers be allowed to retain their side-arms, and that the men should be allowed to leave the country. These concessions were promptly agreed to.

Of the Texans seven were killed and twenty-seven wounded. Of the Mexicans forty-two lay dead in the fort and seventy were wounded, chiefly in the head, face, or arms—one hundred and twelve out of a force of one hundred and fifty.

Not only were the stipulations faithfully carried out, but the wounded were cared for, and the officers received the most generous hospitalities, with admiration for their bravery, and a recognition of the fact that Ugartechea's personal intercourse with the people had at all times been gentlemanly.

to the wit-furn-plant. It shot forth revealed and snatched only light from themselves of the exposure on the *men had relied*.

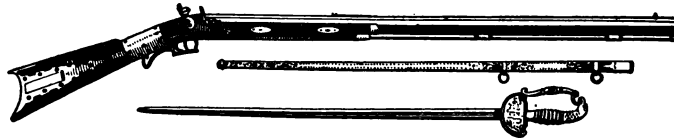
"What obstacle
 is there from
 your side which
 prevents you from
 doing this?"

[illegible]

On July 1st the Texans in the east armed and assembled near Nacogdoches. They organized in companies, with John W. Bullock as chief commander, and, after holding a conference with the civil officers of the municipality, they sent a deputation to Piedras, inviting his coöperation in sustaining Santa Anna and the constitution of 1824 or the alternative of evacuating his position and retiring to the interior of Mexico.

Piedras' answer was an emphatic, but gentlemanly, "No."

On the night of August 1st, the families having left the town, about three hundred armed men encamped a short distance east of Nacogdoches. The next day they drew nearer, and challenged an attack. They then moved into



RIFLE OF REZIN P. BOWIE. SWORD AND SCABBARD OF JAMES BOWIE.

the centre of the town, when they were charged by about one hundred Mexican cavalry, who were repulsed with some loss. The alcalde, Encarnacion Chirino, was killed accidentally by a shot from his own countrymen.

The Texans took position in houses and behind fences, from which firing was kept up until night, during which time the Texans lost three killed and five wounded; the Mexicans lost forty-one killed and about as many wounded. That night Colonel Piedras left Nacogdoches and retreated towards San Antonio.

The main body of the Texans pursued them, while Colonel James Bowie took a small party to intercept them by another road.

At daybreak Piedras was confronted by Bowie's men a little west of the Angelina River. Seeing escape impossible

he resigned the command to the next in rank, Francisco Medina, who immediately shouted *vivas* for Santa Anna, and surrendered the command as prisoners of war. Bowie escorted them to San Antonio, while Asa M. Edwards conducted Piedras to Velasco. Piedras left Velasco for Mexico, and Souverin collected the remnants of the garrisons and conveyed them also to Mexico.

TREACHERY OF SANTA ANNA.

The Mexican general, José Antonio Mexia, with a fleet of vessels and four hundred men, was ordered to sail up the coast, reduce Matamoras if necessary, and investigate and report the causes of the recent disturbances in Texas.

At Matamoras General Mexia took on board Colonel Stephen F. Austin, who was on his way home from the State congress at Saltillo.

Mexia and Captain John Austin, with other prominent citizens, held conferences at Velasco and Brazoria. They produced the "Turtle Bayou Resolutions" which were reaffirmed, with satisfactory emphasis, by large delegations of the people. There was general rejoicing, generous hospitalities, and a grand ball ended the festivities. General Mexia sailed down the coast, to resume operations in behalf of Santa Anna and his cause.

Congress had adjourned, and Bustamente's obnoxious decree was not repealed, Texas being in a hopeless minority in that body.

Santa Anna now became a traitor to the Federal constitution of 1824, and in December, 1832, joined Bustamente in recalling, from his exile in the United States, Pedraza, the rejected President, to fill out the unexpired term of Guerrero, the patriot President who had been deposed, captured, and put to death.

The treachery of Santa Anna created the greatest anxiety among the colonists. They met, as their ancestors had

done before them, in a "deliberative convention," to consider their grievances and unite in whatever should appear best to meet emergencies.

The call for this convention was issued by Horatio Chriesman and Captain John Austin, first and second alcaldes of the municipality of Austin.

Fourteen municipalities responded, representing every portion of Texas, excepting Red River. Fifty-six delegates appeared and took their seats on the 1st of October, 1832, at San Felipe de Austin.

They elected Stephen F. Austin president, and Frank W. Johnson secretary ; appointed, first, a committee of five to prepare a memorial to the Mexican Government, praying for the repeal of the eleventh article of the law of the 6th of April, 1830 (Bustamente's decree), and to set forth the toils and difficulties and dangers encountered by the colonists, and their devotion to the constitution of 1824.

The second was for a petition, praying for a reduction of import duties on articles of prime necessity, and showing that the reduction would increase the revenue of the government.

The third was concerning the land business ; and the fourth, for the regulation of the custom-houses disturbed by the troubles at Anahuac and Velasco.

The petition of the fifth committee was addressed to the State government of Coahuila and Texas, asking for a donation of land for the purpose of creating a fund for the future establishment of primary schools.

The sixth was a resolution as to the expediency or inexpediency of petitioning for a State government separate from Coahuila. On this resolution Mr. Nestor Clay, from the district of Hidalgo, demanded the yeas and nays ; and they stood for the resolution, 36 ; against it, 12.

A committee called the Central Committee was appointed. It was made the duty of the Central Committee

to give such information, from time to time, to all parts of Texas, as might seem necessary. They were also clothed with the power to call another convention if necessary. Of this committee Frank W. Johnson was chairman, and Dr. James B. Miller was secretary.

The petitions and memorials were adopted and forwarded to the general and State governments.*

This convention closed its labors on Saturday, October 6, 1832.

QUESTIONS.—What cloud still hung over the Texans? What change took place in Mexico, giving the Texans hope of relief? How was the news conveyed to the settlers? What was the effect upon the people? What did they resolve as to Piedras? For what purpose did the Texans assemble on July 1st? What was Piedras' answer? What occurred on the night of August 1st? What occurred the next day? How was Chirino killed? Give an account of the day's fight. To where did Piedras retreat? What was done by the main body of Texans? What of Colonel Bowle? Give an account of Bowle's encounter with Piedras, and the result. For what purpose was Mexia sent to Texas? Who took passage with Mexia at Matamoras? How were the investigations conducted? What was the result? Why did Mexia sail down the coast? Did the Congress repeal Bustamente's decree? How did Santa Anna now show his treachery? How did this affect the Texans? What did they do? By whom was this call for a convention issued? What number responded? When and where did they meet? How did they organize? What was their first action? For what was the second committee appointed? The third? The fourth? What was the petition of the fifth committee? The sixth? What other committee was appointed? What was made the duty of the Central Committee? Who was chairman? Who secretary? What was done with the petitions and memorials? When did this first convention adjourn?

CHAPTER XXVI.

FIRST CONVENTION (*continued*)—MEXICAN OPPOSITION.

FRANK W. JOHNSON, chairman of the Central Committee, informed Garza, political chief at San Antonio, by official report, of the acts of the convention, and urged upon him the appointment of a corresponding central committee.

* The memorial drawn up by Wm. H. Wharton, for the repeal of the obnoxious law of Bustamente, was complimented as being "a State paper of dignity, ability, and historic value which should be familiar to every student of Texas history."

See its publication entire in "History of Texas," by John Henry Brown.

The Mexican officials regarded this convention as they would have done one held by their own people—as a prelude to a revolution.

De la Garza, political chief at San Antonio, wrote as follows to the Governor of Coahuila and Texas : “ A true Mexican can but bitterly deplore his misfortune, and feel sorely the foreign hand that came boldly to rob him of his rights, employing physical force, while even rational argument from such a source ought hardly to be tolerated, when we consider how lately these Americans have been admitted to Mexican citizenship.”

Chief Garza wrote in reply : “ The convention was ill-timed and uncalled for.” “ All such meetings are prohibited by the supreme power and existing laws.”

After condemning “ such popular meetings,” and charging the Texans with “ exercising powers that belong exclusively to the sovereign authority of the State,” Musquez, successor to Garza, ordered them forthwith to dissolve their standing and all subordinate committees.

In reply Colonel Austin gave Musquez some useful information, and added : “ Texas is lost if she takes no measure of her own for her welfare ;” and, with regard to Musquez’s letter, he said : “ It would have been better not to have written it.” Again, he said : “ I do not know how the State or general government can presume to say that the people of Texas have violated the constitution, when the acts of both governments have long since killed the constitution, and the confederation has hardly any life left. I cannot approve the assertion that the people have not the right to assemble peacefully, calmly, and respectfully to represent their wants. It is your duty, as chief magistrate, to call a general convention to take into consideration the condition of the country.”

The acting Governor of Coahuila and Texas, among other expressions, some threats, etc., wrote : “ The San Felipe convention betrays artful intention ;” “ disturbances are in view.” “ Your lordship should endeavor to obtain and furnish me

confidentially such information as may lead to the detection of the true meaning of that extravagant step and its possible connection with the revolutionary designs of certain individuals in Texas, as elsewhere in the Republic." He suggested that spies should be set to watch the "manœverers" of the *ayuntamiento* of San Felipe de Austin, "who had for some time been distrusted by the government."

Santa Anna, the hitherto idol of the American colonists in Texas, their last hope of liberty, wrote of them as "foreigners who had introduced themselves into the country," and expressed the belief that the remonstrances of the people were "disguises of their intention to declare themselves independent of Mexico." He advised, as of paramount importance, that General Filisola should forthwith proceed to fulfil his mission to enter Texas with a well-appointed army, to "secure the integrity of the territory and do justice to the colonists," thereby admitting that "the interests of the nation demand a policy towards these people, for they have done us good service." He acknowledged that the treatment they had received was "derogatory to the honor of the Republic," and expressed the apprehension, which was afterwards verified, that "they might become so exasperated as to render it impracticable to restore order among them without much trouble." This was Santa Anna to the Minister of State. That dignitary wrote to the political chief, of the convention and appointment of committees as "excesses which have recently come to light," and threatened that "if they do not amend their ways without delay, and give all due submission to the laws of their adopted country," they would bring down upon themselves "irretrievable ruin."

QUESTIONS.—What did the chairman of the Central Committee urge? How was this convention regarded by the Mexican officials? What did De la Garza write to the Governor of Coahuila and Texas? What did he write of the convention to the Alcalde of San Felipe? What did Musquez order? What was Austin's reply? State what the acting Governor of Coahuila and Texas wrote. What did Santa Anna write and advise? What did the Minister of State write?

CHAPTER XXVII.

SECOND CONVENTION—OPPOSITION TO SAME BY MEXICAN
AUTHORITIES—AUSTIN'S ARREST AND IMPRISONMENT IN
MEXICO.

THE colonists, ignorant of the correspondence between the government officials, and believing that the confusions in Mexico had prevented action upon their memorials, resolved, now that Pedraza, the duly elected President, was restored to office, to call another convention.

In addition to the memorials of the convention of 1832, this convention was to frame a constitution for the proposed separate State. The Central Committee issued a call in January, 1833, for an election to be held on the first day of March, for delegates to meet at San Felipe on the first day of April.

The political chief ordered the *alcaldes* to prevent the elections by military force, whenever it could be had, if necessary. The Minister of War urged his objections. He said: "It must culminate in political trouble and disaster."

The political chief expressed to the governor his belief that the key to the conduct of the colonists could be found in the visit to Texas, in June, of Mr. Butler, *chargé d'affaires* from the United States, who, in 1829, made direct proposals to the Mexican Government for the purchase of Texas.

The governor expressed his suspicion that the Southern United States had a plan of seceding from the Northern States, and wished to strengthen themselves by the addition of Texas, to which the Texans were lending themselves by these "revolutionary dispositions."

The election was held on the appointed day. The military of Nacogdoches refused to expose themselves in a storm to prevent it in that place. The convention, composed of fifty-six members, assembled on the appointed day, and

elected William H. Wharton president, and Thomas Hastings secretary.

A committee, of which Sam Houston was chairman, and Henry Smith, Nestor Clay, R. M. Williamson, James Kerr, Oliver Jones, and Luke Lessasier were members, drafted the constitution for the proposed separate State.

A committee, of which David G. Burnet was chairman, drew up a memorial to the Mexican Government, covering the memorials and petitions of the convention of 1832. The convention adjourned on the 13th of April, after appointing Stephen F. Austin, Dr. James B. Miller, and Don Erasmo Seguin of San Antonio as messengers to lay these papers before the National (professedly Republican) Congress at the City of Mexico.

Colonel Stephen F. Austin, of whom it had been written as "for some time distrusted by the government," undertook the journey. The denunciatory correspondence among the officials was lying among the untranslated archives.

Santa Anna was at that time President, and Manuel Gomez Farias, Vice-President of Mexico.

From Matamoras, Austin wrote to the municipality of Brazoria, expressing the utmost confidence in the "paternal intentions" of the newly inaugurated government towards the colonies, and that the rumors of a large army marching into Texas were false. Only a sufficient force would be sent to protect the revenue at the custom-houses.

He exhorted the people to sustain the authorities and obey the laws strictly, believing that in that way they would "obtain everything that a reasonable people ought to ask, or a just and liberal government ought to grant."

As the Mexican Congress had adjourned on the first of May, not to meet again until January, Austin forwarded the documents to Mexico, through General Filisola, commanding at Matamoras. Leaving unexpectedly, however, he arrived *in the City of Mexico* in June, to find the country in revolu-

tion, and the Asiatic cholera raging to a fearful extent.* The memorials were already in the hands of the government when he arrived.

Through the assistance of Lorenzo de Zavala, civil governor of the State of Mexico, at heart a patriot and warm friend to Texas, Austin succeeded in obtaining the annulment of Bustamente's decree of April 6, 1830, forbidding North American immigration ; but the constitution and memorials were referred to a committee who postponed action upon them.

An attempt to remove the capital of Coahuila and Texas from Saltillo to Monclova had resulted in two legislatures and two governors. Austin urged upon the notice of Gomez Farias the "extremes" to which this condition of things might drive the colonists, so warmly as to give offence.

On the 2d of October, Austin addressed a letter to political chief Musquez at San Antonio, recommending that all the municipalities should unite and organize a local State government, as one of the Mexican Confederation, founded on the law of the 7th of May, 1824, when Texas was "for convenience" temporarily united to Coahuila ; and closed by saying : "Things should be prepared with union and harmony, thus being ready for the time when the Congress will refuse their approval."

On the 10th of December, Austin left for home, dispirited in view of what he foresaw : that the Republic of Mexico was at an end ; a dictatorship, with Santa Anna at its head ; and that Texas would be denied a State government. He had reached Monterey when he was arrested, taken back to the City of Mexico, and on the 13th of February, 1834, lodged in a dark dungeon of the old Inquisition, where he remained in darkness and in solitary confinement until the 12th of the following June. He was then transferred to the Acordada prison, and his liberties less restrained.

* During its prevalence it carried off ten thousand victims in the city.

His letter to the political chief at San Antonio, of the 2d of October, 1833, had been translated and sent to Mexico. Thus he was betrayed and imprisoned.

QUESTIONS.—Upon what were the colonists now resolved ? What was it to include ? Who called the convention ? Who tried to prevent the election ? What measures did he take ? What did the Minister of War urge ? How did the political chief now explain the conduct of the colonists ? What did he suspect ? Did the election take place ? Did the military interfere ? How many were in the convention ? Who was elected president ? Who secretary ? Who was chairman of the committee to draft the constitution ? Who composed the committee ? What other committee was appointed ? When did the convention adjourn ? What were Austin, Miller, and Seguin appointed to do ? Who undertook the journey alone ? Who, at that time, were President and Vice-President of Mexico ? What did Austin write from Matamoras ? Why did he exhort the people to sustain the authorities ? Why did he delay leaving Matamoras ? What was the condition of affairs in Mexico ? How far was his mission successful ? What had been done in Coahuila ? In what had it resulted ? What letter did Austin write on the 2d of October ? When did Austin leave for home ? Where was he arrested ? Where was he taken ? For how long a time was he imprisoned ? Where was he then taken ? Why was he imprisoned ?

CHAPTER XXVIII.

THE PARKERS—DE LEON'S AND OTHER COLONIES—CASUALTIES.

IN the autumn of 1833 there arrived and settled on the west of the Navasota River several families—descendants of John Parker, a native of Georgia, emigrating from Illinois. Besides the patriarch and his wife there were eight families, including his married children, who became a nucleus for other families of enterprising people, valuable in settling the wilderness.

De Leon's colony quietly grew in numbers and was prosperous. The original colony was mostly Mexican, but additions were made, from time to time, of Irish families and Americans. The climate was genial, the soil rich, and the broad prairies were by this time covered with flocks and herds, and the utmost harmony existed among the people.

The colonies of Power and Hewitson, with the mission of *Refugio*, and McMullen and McGloin, of which San Patricio

was the capital, received valuable additions in a worthy class of people, chiefly from Ireland, with a few born of Irish parents in the United States, and a few Americans.

The locality of these colonists, on the outposts of civilization in the southwest, exposed them to the inroads of Indians and any lurking enemy among the border Mexicans.

In the spring of 1833 a surveying party, under Mr. A. Le Grand as chief, was sent from Santa Fé by two Englishmen, Richard Exter and John Charles Beales, naturalized citizens of Mexico, to survey a large colonial grant, which included part of the Pan Handle and part of New Mexico.

The surveyors began their work near to the present town of Midland, in Midland County, on the 27th of June, 1833. On the 30th of October their work was interrupted by a heavy fall of snow along the Oscuro Mountain, and was never resumed.

Dr. Beales, under a different grant, attempted a settlement on the Las Moras Creek, selecting a place twelve miles above its junction with the Rio Grande, which he named Dolores, in honor of his wife, a Mexican lady.

Dr. Beales sailed from New York on the schooner *Amos Wright*, Captain Munroe, November 10, 1833, with fifty-nine persons, mostly English.

They landed at Copano, where there was but one shanty. On the 3d of January, 1834, they started for their lands in carts and wagons drawn by oxen. Meeting with accidents on the route, which delayed them, they did not reach Dolores until the 16th of March.

On the 20th of March the Mexican commissioner, De Soto, arrived to issue titles. On the 25th they organized a municipality, electing proper officers. Crops were planted, and the prosperity of the colony seemed assured.

Business called the leaders away for long periods. They had no irrigation, and the crops dried up in the field. Their supplies were exhausted ; many were compelled to seek food

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and one of his men were killed ; another, Josiah Wilbarger, scalped and left for dead, afterwards recovered.

In the spring a band of Keechis made a raid among the families on Cummin's Creek, now in Fayette County. They were pursued by a party under Captain John York, were overtaken, and several of their number killed.

The Tancahuas were generally friendly, but for some offence they avenged themselves by murdering a stranger, Mr. Reed, near the Falls of the Brazos. They were pursued by Canoma, a friendly Caddo, with seven warriors. On the seventh day Canoma returned, bringing in seven Tancahua scalps, Reed's horse, saddle, and other trophies.

QUESTIONS.—Who arrived and settled west of the Navidad in 1833 ? What was the condition of De Leon's colony in 1833 ? Who composed the population ? What can you tell of the climate and soil ? Give an account of the Irish colonies of Power and Hewitson, McMullen and McGloin. What was the disadvantage of their location ? Where were colonial grants surveyed in 1833 ? For whom ? Describe the work and its results. What was afterwards done by Dr. J. C. Beales ? Give an account of Beales' journey from New York to his lands. What was soon accomplished ? How were they disappointed ? Who left in the spring of 1836 ? What was their object ? What was their fate ? What was the fate of the captives ? What became of the colonial grant ? What calamity befell Texas in 1833 ? What was the conduct of the Indians during this period ? What occurred in August of that year ? What trouble did the Keechis cause in the spring of this year ? How were they punished ? Why did the Tancahuas give trouble at this time ? By whom were they punished ?

CHAPTER XXIX.

ESTABLISHMENT OF COURTS—SANTA ANNA SENDS ALMONTE INTO TEXAS—OBJECTS OF HIS VISIT—REPORT TO SANTA ANNA.

In the spring of 1834 the State congress annulled the requirement that the colonists should profess the Roman Catholic religion ; gave permission for the use of the English language in Texas, in legal transactions ; an additional member of the congress ; and provided for the establishment of a circuit and three district courts and trial by jury.

The circuit was divided into three districts : San Antonio,

the Brazos, and Nacogdoches. In only one district was a court convened. In San Felipe, in the Brazos district, Judge David G. Burnet held regular sessions and discharged quite an amount of legal business.

In the spring of 1834 Santa Anna sent his friend and confidante, Juan N. Almonte, who had been educated in the United States, to Texas, with instructions to study the country, its capabilities, its growth, and all the changes that had been brought about by the present inhabitants.

Santa Anna had in view the occupancy of Texas by "a Mexican population of paupers, criminals, and retired military officers."

Almonte passed the summer in Texas, travelling and stopping among the hospitable inhabitants to whom he made himself companionable, and from whose enthusiastic commendations of the country he was able to add to his report: "If, then, the position of Texas is so advantageous, why should not the Mexicans participate in its benefits? Let those who wish to test the worth of these assurances visit the plantations of the colonists, and they will perceive that I am no dreamer."

Almonte reported that since 1806 the Mexican population, never large, had steadily decreased, while now the Americans numbered at least eighteen thousand, with a proportionate prosperity. Cotton and sugar were already articles of export, not in large quantities. He reported the commerce at upwards of ten thousand five hundred dollars exports and six thousand dollars imports.

In the autumn of 1834 a revenue officer was stationed at Anahuac with forty Mexican soldiers to aid him in collecting the revenue.

A third department was created, that of the Brazos. Henry Smith was made political chief, the first American who had been thus honored.

With letters of congratulation from all parts of the State

came the earnest request that he would publish his views as to the present condition of the country, and what was best to be done.

The State government was dissolved ; Coahuila was in the hands of rival military factions, each claiming to be the State government ; the period of election had passed, and none was held ; the government of Mexico was fast crystalizing into centralism ; Texas was governed by political chiefs who held their commissions from the demolished State government.

On the 20th of October, 1834, Chief Henry Smith published an address in which he stated his belief that Coahuila had herself severed her connection with Texas, and advised the calling together, or convocation, of the people by local authorities and the standing advisory committees ; that by this a State government of the Mexican Federal Union could be formed, which would or would not receive the sanction of the general government at Mexico ; if the former, it would be in readiness ; if the latter, "the future must take care of itself." It would, at least, "be a bond of union for the Texas people."

In San Antonio, a few days before the address of Chief Smith was published (October 10, 1834), a large number of Mexican citizens, with several from Coahuila, met at the invitation of Chief Don Erasmo Seguin ; and, after deploring the anarchy which existed, recommended calling a State Convention to assemble in San Antonio on the 15th of November to organize a provisional government.

The San Antonio plan failed for want of time to hold the election, and the call of Chief Smith failed, as was explained by William B. Travis : "Any movement in Texas now would prejudice the situation of Colonel Austin, who was still a prisoner in Mexico."

On the 5th of October, Santa Anna called a council to consider Texas affairs. It consisted of ten distinguished

Mexicans, with Lorenzo de Zavala and the prisoner Stephen F. Austin. Zavala joined Austin in urging a separate government for Texas, which Santa Anna in his final decision refused, with frivolous reasons.

Colonel Austin assured Santa Anna that no troops were necessary to compel the payment of custom-house dues, nor for defence against Indians, the moral sense of the people and the local militia being sufficient. "All that the Texans wished for was peacefully to cultivate the soil and keep fealty to the government of their adopted country."

Santa Anna added that four thousand troops, infantry, cavalry, and artillery, should be stationed at San Antonio "for the protection of the coast and the frontier;" and, after promising increased mail facilities, ended by expressing fraternal regard for the agricultural interests of the country.

Colonel Austin was so well satisfied with the result of the conference, that he wrote, on the 2d of December, from Mexico: "All is going well; the President, Santa Anna, has solemnly and publicly declared that he will sustain the Federal representative system as it now exists, and he will be sustained by all parties."

QUESTIONS.—What new privileges were granted the colonists in 1834? How was the circuit divided? Where was the one court held? Who was the judge? Whom did Santa Anna send into Texas as agent in 1834? Where was he educated? What was his mission? With what class did Santa Anna wish to populate Texas? How did Almonte succeed? What was his report? What additional facts had he discovered? What official was sent to Anahuac in 1834? What new department was created in 1834? Who was appointed chief? What was asked of the chief? What was the condition of the Texas government? Of Mexico? What was Henry Smith's advice? What had been done in San Antonio? Did either plan succeed? What had transpired in Mexico? What remonstrance did Austin make? What announcement did Santa Anna add to his report on Texas affairs? Was Austin satisfied with the conference?

CHAPTER XXX.

THE ELECTION OF 1835—MEETING OF THE LEGISLATURE AT MONCLOVA, IN COAHUILA—SALE OF LANDS—DISARMING THE LOCAL MILITIA—INDIAN TROUBLES—ORDER TO ARREST TEXAS CITIZENS.

THE election for governor and members of the legislature for Coahuila and Texas, which Santa Anna, as arbiter between the Saltillo and Monclova factions, had ordered, was held February 9, 1835. Augustine Viesca was elected governor, and Ramon Musquez vice-governor. The newly elected legislature assembled at Monclova on the 1st of March.

Legislature, after granting an immense domain of public lands to a New York company, in 1834, for speculative purposes, on the 14th of March, 1835, made private sale of four hundred and eleven leagues of choice Texas lands at a merely nominal price.

Governor Viesca published an exhaustive protest against Santa Anna's usurpations, such as disarming the local militia, and reducing the number of men allowed to bear arms for defence against Indians to one for every five hundred, and appealed to the people of Texas to "rise and defend themselves and their dearest interests."

Among the first outrages resulting from the disarming of the local militia occurred in April, 1835, an attack upon a party of Mexican and French merchants, passing across the country with mule-trains, by a body of Indians. Making breastworks of their bales of goods the merchants defended themselves as long as they could, but they were all killed and scalped.

General Cos was now ordered to Saltillo to take military command of the State. He denounced the Monclova legislature, which had adjourned; and part of them, with the

governor, were making their way with the archives to San Antonio.

Viesca ordered a halt for a day or two to enable him to return and attend to some unfinished business. This gave warning to his enemies of his attempted escape, and a guard was placed at the crossing of the Rio Grande to intercept him.

Viesca had with him an escort of one hundred and fifty local militia and twenty returning Texas colonists. These all urged his advance, but he returned to Monclova, deposited the archives, dismissed his guard, and declared in favor of Santa Anna. Becoming uneasy he again resolved to flee. He started with a few friends—among them were Dr. John Cameron and Colonel Benj. R. Milam—when they were arrested in a pass of the mountains, taken prisoners to Monterey, and destined for San Juan de Ulloa at Vera Cruz ; but all escaped.

The end of all State government was at hand.

By decree of October 3, 1835, all the State governments were abolished, and all the acts of the legislature were annulled, including the creation of the judiciary. Texas was again under military control, political chiefs and alcaldes being the only civil tribunals.

The colonists, still hopeful of relief through Santa Anna's "fraternal" pledges to Austin—who, after all, had not been released from custody—did not regret the dispersion of the legislature.

The exactions at the custom-house at Anahuac were disproportionate in some particulars, and oppressive in others, and the presence of an ill-controlled Mexican soldiery was a source of incessant irritation. Their dispersion was resolved upon.

On the 21st of June, in connection with "considerations for the general defence of the country," at San Felipe, it was

Resolved: That the troops at Anahuac should be disarmed and ordered to leave Texas.

To achieve this, a company of twenty men was raised on Buffalo Bayou and the San Jacinto, and placed under command of Captain Wm. B. Travis. They went on a small vessel, taking a six-pounder mounted on deck.

On the 29th of June they attacked the fort, and on the 30th the Mexicans, about forty in number, capitulated and were paroled.

Chief Henry Smith wrote of it: "Time alone can tell whether it is a good or a bad measure." Chief Wyley Martin disapproved it, and hospitably entertained the ejected commandante and his men; and, as they could not be prevailed upon to return to their post, assisted them on their way to San Antonio.

General Cos ordered an investigation. He sent Captain Thompson, an English citizen of Mexico, who was privateering in the gulf, to Anahuac for that purpose.

Under pretext of conducting an investigation, Captain Thompson behaved like an insolent braggart. Under pretext of protecting the revenue, he became amenable to the charge of piracy, and with his vessel of war *Correa* was taken to New Orleans by an armed vessel from that city.

Seeing themselves in a helpless condition, the colonists organized "committees of safety and correspondence," and an organization called an "administrative council," with representatives from Mina (Bastrop), San Felipe, and Columbia, which held its first session at San Felipe, July 17, 1835.

On the second day of the session, John A. Wharton of Columbia moved for a call for a "general council of the people." This was voted down.

After a heated discussion this meeting decided on sending two commissioners to Ugartechea at San Antonio as a conciliatory measure, explaining the recent attack upon Anahuac, declaring their peaceful intentions, and asking his intercession with Cos and Santa Anna in their behalf, and deprecating the entrance of unnecessary troops into the country.

Having been informed of an order for the arrest of certain men in Texas, they added the demand as to what their fate was to be.

An order had been received by Ugartechea for the arrest of Lorenzo de Zavala, who had retired from Santa Anna's unholy service to his lands on the San Jacinto, and for the arrest of Zambrano and Carbajal, two members of the Monclova legislature, and several others. Carbajal was a citizen of De Leon's colony. When a youth he was a pupil of Alexander Campbell, and adopted his religious views. Zambrano had become a clerk in the land office of De Leon's colony.

On the 19th of July, in an enthusiastic meeting, presided over by James Kerr, the Navidad settlement declared for independence, and called for a general council.

The people at San Felipe decided to wait the return of the two commissioners, Gritton and Barrett, from San Antonio. Gritton had come into the country as secretary to Almonte. When they returned for further instructions they were informed that the organization which had commissioned them was dissolved.

At Nacogdoches, of which Henry Ruez, a Swiss, was chief, they yielded to a compromise, "for the sake of peace and unity, until the proper time for a different course should come."

At San Augustine, in the Red Lands, by resolution introduced by Sam Houston, the people organized, and declared for the Mexican constitution of 1824.

It was the desire of the thoughtful that there should be a general consultation of representative men from all the municipalities of Texas, but it was thought best to wait until there should be "unity among the people."

On the 17th of August, General Cos issued the following from Coahuila: "The constitution by which all Mexicans *may be governed, is the constitution which the colonists of*

Texas must obey, no matter on what principles it may be founded." He said: "It is useless and vain to cover their plans with a hypocritical adherence to the Federal constitution of 1824."

The "unity among the people" necessary to the call for a consultation was hastened by fast coming events—the arrival of three hundred more troops, with the certainty of a large army concentrating at Saltillo, known, by interception of letters at San Felipe, to be destined for the forts in Texas; the most insulting and degrading treatment of the alcalde and people of Goliad by the Mexican commandante, Nicolas Condey; and the "supreme order" from General Tornel, Minister of War and Marine, to Cos, dated August 1st, that the presence of Zavala in Texas was "most pernicious," and that he should "spare no pains to secure his person, and place it at the disposition of the supreme government."

Lieutenant Tenorio was sent by Ugartechea to San Felipe, and served the requisition on Wyley Martin, political chief, who excused himself on the ground of being a civil officer.

A squad of men was sent to Victoria to arrest Carbajal and Zambrano, but the sudden appearance of a few armed citizens caused them to leave the town in haste, and a report was put in circulation that all the proscribed persons had left for the United States.

About the 23d of August orders were issued from Saltillo to speedily establish garrisons at San Felipe, Nacogdoches, Tenoxtitlan (in Robertson's colony on the Brazos), at Anahuac, and Velasco.

Before the close of August there was a general call from all parts of Texas for an election of delegates to meet in consultation.

On the 1st of September Colonel Stephen F. Austin's friends warmly welcomed him home from his long imprisonment. He expressed the deepest concern for the distracted condition of the country, and, while he expressed confidence

in Santa Anna's assurances of "paternal regard," he joined heartily in the call, already made, for an election for "delegates to a general consultation of all Texas," and was invited to become chairman of the Committee of Safety at San Felipe.

QUESTIONS.—What election was held in February, 1835? Who were elected? What act of this legislature was displeasing to the people and to Santa Anna? What further displeased Santa Anna? What instance can you give of the local effect of disarming the militia? What orders did Cos receive? How did he regard the Monclova legislature? Where were the archives? What did Governor Viesca do? Who were with Viesca? For what point were they destined? What was the end of the State government of Coahuila and Texas? Did the colonists regret the dispersion of the legislature? Were the custom-house regulations satisfactory? How did this culminate? How was this accomplished? How did Henry Smith regard it? Chief Wyley Martin? What was done by Cos? What was Captain Thompson's conduct? What was his fate? What did the colonists find necessary? What did John A. Wharton move? Was it carried? What conciliatory measures did this meeting adopt? What order had come from Mexico to Ugartechea? What was done in the Navidad settlement? What at San Felipe de Austin? At Nacogdoches? At San Augustine? What was the desire of all thoughtful men in the country? What declaration from Cos aroused the people? What hastened the call for a general consultation? Who was sent to serve this requisition? What report was circulated? What orders were issued from Saltillo? When did the people unite in a call for a consultation? When did Austin return from his imprisonment in Mexico? How did Austin regard the condition of affairs?

CHAPTER XXXI.

DISARMING THE PEOPLE—ORGANIZATION OF THE ARMY— BATTLE OF CONCEPTION—THE CONSULTATION OF 1835.

A DECREE had been issued for disarming the people, which first began at Goliad. The new commandante, Colonel Nicolas Condey, took possession of all the arms and pressed the citizens into his service. He quartered his soldiers upon the families, and they were guilty of great abuses.

The second attempt was made in Gonzales, in De Witt's colony. Castanado was sent from San Antonio with about a hundred and fifty men to disarm the people. He demanded a small cannon which had been furnished the citizens for defence against *Indians*. This they refused to

surrender, and retired to his camp, on a small mound. Supposing this to be a threatening attitude, the people, calling upon other settlements for aid, organized under Captain Albert Martin with about a hundred and sixty men. John H. Moore was commander. On the 2d of October the citizens marched across the river in the night and took position near the Mexican camp, both being shut in by a dense fog. When the morning dawned and the fog disappeared, the proximity of the combatants was a mutual surprise. The cavalry in advance fired and fell back. The little cannon closed the argument, and Castanado, claiming to be a patriot, left in haste for San Antonio, with the loss of four dead and a number wounded. The Texans had no casualty to report, the Mexican fire passing over their heads.

The effect of these attempts to disarm the population, and especially the visit of Castanado, stirred the people to but one impulse—to drive every Mexican soldier from the soil of Texas.

The citizens from Matagorda, the lower Colorado, Navi-dad, and Lavaca, collected to the number of fifty-two men, elected George M. Collinsworth commander, and marched on foot for Goliad. On the second night, October 9th, as they were approaching the place, a voice called to them from a thicket. It proved to be Colonel Benj. R. Milam, who had escaped from the prison at Monterey, and, hiding by day, had, by travelling on foot, at night, upwards of three hundred miles, reached the thicket in time to aid his countrymen in taking Goliad.

Before midnight they made a sudden attack, battered down the door, and the whole company rushed in, firing at every moving object. The surprise was complete. The sentinels fired a few random shots, and the little garrison surrendered. It had been reduced a short time since to twenty-four soldiers under Lieutenant-Colonel Sandoval and two other officers. The garrison lost three men. The Texans

had one man wounded. They came into possession of valuable stores and two pieces of artillery.

A small garrison of Texans remained to hold the fort, and elected Captain Philip Dimmitt commander. Milam escorted the three officers to San Felipe, and the men were paroled.

Governor Viesca, who, with his secretary, had made his escape from Monterey, now arrived in Goliad ; and, finding it in possession of Texans, expected to be recognized as governor. He had been elected to that position by the joint vote of Coahuila and Texas. Not being acknowledged at Goliad, he visited San Felipe, and also failed. He retired to the United States, where he spent two years, and then returned to Mexico.

The political chiefs and alcaldes were the only recognized civil authority in Texas, and that was questionable, as their source of authority—the governorship—had been destroyed. The body called the Executive Council was only advisory. The armed citizens were collecting at Gonzales and Goliad with the avowed purpose of taking San Antonio from General Cos. Captains John H. Moore and Edward Burleson, who were experienced in Indian warfare, were organizing companies ; and, on the 11th of October, 1835, Colonel Stephen F. Austin was elected to the chief command, Lorenzo de Zavala filling Austin's place as chairman of the Committee of Safety at San Felipe.

On the 13th, with about three hundred volunteers coming and going at pleasure, they elected regimental officers, and General Austin selected a full staff of officers. Milam, arriving on the 14th, was given command of scouts, and "Deaf" Smith also had a small scouting party.

This embryo army left Gonzales on the 14th, and arrived on the Salado, about ten miles east of San Antonio, on the 20th. Here they made an encampment to await reinforcements. *They soon increased in numbers to about seven*

hundred well-armed and equipped riflemen, with the four-pound cannon.

So many of the members elected to the consultation were with the army, there was not a quorum in that body, at San Felipe, on their first meeting, on the 16th; and the messengers sent to summon them did not return, so their numbers were greatly diminished, and it became evident that they preferred to remain with the army. This created alarm among the enlightened citizen volunteers, and they, foreseeing the anarchy that would follow, assembled in mass-meeting, and demanded that the men to whom the whole country had intrusted the gravest responsibilities should repair to their post of duty at San Felipe. They immediately obeyed, and we leave them to organize while we follow the army.

BATTLE OF CONCEPCION.

On the 27th the army moved its encampment to the mission of Espada, about ten miles below San Antonio, and General Austin sent Colonel James Bowie and Captain James W. Fannin, with ninety-two men, to select a suitable camping ground as near to San Antonio as practicable.

These officers encamped for the night, in a small crescent-shaped bend of the San Antonio River, in front of and about two hundred yards distant from the abandoned mission of Concepcion, placing out sentinels, and one man in the tower of the building. The night passed quietly, and in the early morning every object was obscured by a dense fog. Just after sunrise one of the sentinels was fired upon by the advance guard of the enemy. He returned the fire, they retiring. Preparations were now made for battle, as retreat was impossible.

The enemy's infantry advanced with trailed arms, and were covered by a large cavalry force to the right, about two hundred yards distant. Five companies of their cavalry

covered the whole front and flank of the Texans. The little army was surrounded.

The engagement began about eight o'clock on the morning of the 28th of October. After the given signal—the crack of a rifle—the discharge from the enemy became one continued blaze of fire; while the Texans, with more deliberation, took truer aim, stepping back under cover of the river bank to reload, while others filled their places.

The Mexicans now brought forward a brass four-pound cannon and opened fire with grape and canister, at the same time sounding a charge. As if by magic the men at the cannon were shot down, and the charge was checked. Three times the cannon was manned and cleared, the Texans each time drawing nearer. “The cannon and victory!” became the battle cry. After the fifth fire the Mexicans sounded a retreat, and it soon became a disorderly rout, leaving to the victors their cannon and the field. The Mexicans lost sixty-seven killed and over thirty wounded; not one of their artillery escaped. The Texans lost one brave soldier, Richard Andrews. Ninety-two Texans had routed four hundred of Cos’ main army.

In their joint report to Austin, Bowie and Fannin said: “Had it been possible to communicate with you and bring you up earlier, the victory would have been decisive and Bexar ours before twelve o'clock.”

In one hour after the battle, Austin with the main body of the Texans, about seven hundred in number, arrived, having been first apprised by the report of the cannon that a battle was being fought.

Cos had refused to recognize Austin as a military commander, and threatened to fire upon his flag of truce. He was now obliged to ask of Austin the favor, under flag of truce, to bury his dead.

General Austin now divided his command, stationing one *body above the town*, near the San Pedro Springs, and the

other a mile or so below. Edward Burleson was in command above, and Bowie and Fannin below.

On the 31st of October, Colonel Bowie wrote to Cos, suggesting terms of reconciliation by which a further effusion of blood might be prevented. This was of no avail.

The large number of officers, none of whom could lay claim to military skill above the rest, and all having divers opinions as to the contemplated attack upon San Antonio, and want of authority over the volunteers, all deprecating the division of the forces, created and kept up a restless, dissatisfied spirit among the volunteers. In consequence of this disaffection and delay the army was diminishing in numbers, and the enemy were strengthening their position and looking for reënforcements.

At Goliad, Captain Dimmitt detailed forty men, under Captain Ira Westover, to capture a small garrison at Lipantitlan, on the west bank of the Nueces, twelve miles above San Patricio, the soldiers of which were interfering with communication with the Rio Grande. They arrived in front of the fort about dark, and demanded a surrender, which was granted. At four o'clock the next afternoon they met a body of Mexicans, under Rodriguez, who opened fire at about two hundred yards. Hastily forming near the river, and taking true aim with their rifles, the Texans were soon masters of the field. Rodriguez soon afterwards retreated to Matamoras, having thirty wounded, some of whom died.

Besides accomplishing their main purpose, it resulted in the release of several Texas prisoners from the fort, and the return of citizens whom the Mexicans had pressed into their service.

QUESTIONS.—What decree had been issued ? Where was the second attempt to disarm the people made ? Give an account of it. What was the effect of these attempts ? What place was first taken ? By whom ? Whom did they find by the wayside ? How had he travelled ? Describe the attack on Goliad. What garrison was left ? What distinguished person visited them ? What did he expect ? Under what civil control was Texas at this time ? How did the leaders proceed ? What position did Zavala fill ? How did they

complete their organization ? What was the first movement of the army ? Why was there not a quorum at the gathering of the consultation ? What was evident ? What demand was made by the citizen volunteers ? Was it obeyed ? Where did the army next camp ? Where were Bowie and Fannin sent ? What was done by these officers ? How was the night passed ? What occurred in the morning ? What was the plan of the enemy's advance ? Describe the engagement. What did Bowie and Fannin state in their joint report to Austin ? Who arrived an hour after the battle ? What insult had Cos offered to Austin ? What disposition was made of the volunteers ? What did Bowie suggest to Cos ? What was the main trouble in the army ? What was the consequence ? For what did Captain Dimmitt detail Westover ?

CHAPTER XXXII.

THE GENERAL CONSULTATION—STORMING OF SAN ANTONIO— AUSTIN LEAVES THE ARMY.

ON the 3d of November, 1835, the "general consultation of all Texas" met, and, having a quorum, organized. At this time the "advisory council" surrendered their organization to them with a full report. They elected Dr. Branch T. Archer, once speaker of the House of Delegates in the Virginia Legislature, president, and Peter B. Dexter secretary.

The conventions of 1832 and 1833 were assemblages of men met to petition for a redress of grievances, and for measures looking to the bettering of their condition as submissive subjects of the ruling powers of Mexico. This consultation met, in the midst of war against those ruling powers, for the preservation of life and liberty, representing the majesty of an inborn sense of right.

On the first day of the session John A. Wharton offered, and the consultation adopted, a resolution "That the President appoint a committee of one from each of the twelve municipalities represented, to prepare a declaration setting forth to the world the causes that impelled them to take up arms."

On the sixth day, after much discussion, on motion of Sam Houston, a vote was taken on the question of a *declaration of independence*, which resulted in fifteen for indepen-

dence, and thirty-three for a provisional State government under the Mexican confederacy.

The confederacy was at that moment in fragments ; but many Texans believed that there existed in Mexico a large federal party, and the declaration, adopted on November 7th, was so framed as to invite a coöperation with them in restoring the constitutional government. The Texans were fighting against a military despotism.

On the 12th a plan for the civil and military provisional government was adopted, and the officers of that government were elected. Henry Smith was elected governor, James W. Robinson lieutenant-governor, and Sam Houston commander-in-chief of the army. Dr. Branch T. Archer, Stephen F. Austin, and William H. Wharton were elected commissioners to the United States, to invoke aid for the impending struggle. The oath of office bound each one to support the constitution of 1824.

The consultation passed a solemn decree, to which each member signed his name, guaranteeing to the Cherokees and their twelve associate bands the same landed rights as they themselves claimed—by grants from Mexico and occupancy. This body adjourned on the 14th of November, to meet again on the 1st day of March, unless sooner called by the “provisional governor and council.” The latter went into immediate operation, and many of the members of the consultation went to join the army, then holding San Antonio in a state of siege.

It was the duty of the provisional government to execute the decrees of the consultation, bring order out of chaos, prepare for military defence, establish postal routes, regulate commerce, improvise a navy, establish local judicial tribunals, and form a treaty with the Cherokees. The treasury was empty.

The question as to storming San Antonio still agitated the army. On the 21st of November, 1835, General Austin

issued an order to the effect that, on the next day, the army would be organized into divisions for storming San Antonio. Colonels Burleson and Sublett both replied, on the same day, that their officers were opposed to it, and the order was revoked. On the afternoon of the same day, November 21st, the New Orleans Grays, numbering sixty-four men, arrived and reported for duty. These men, well armed and equipped, were fitted out by the generosity of citizens of New Orleans, and were the first volunteers to join the Texas standard from the United States. They had marched on foot from the mouth of the Brazos.

On the 24th it was officially announced to the army that



GENERAL EDWARD BURLESON.

their commander, Stephen F. Austin, and Judge-Advocate Wm. H. Wharton, with Dr. Branch T. Archer, had been appointed commissioners to visit the United States. All who were willing to remain with the army under a new commander were requested to respond. All present, four hundred and five (what remained from about a thousand, including the New Orleans Grays), responded. These elected Colonel Edward Burleson com-

mander. Austin left the army on the 25th.

Colonel Burleson appointed Frank W. Johnson adjutant, Wm. T. Austin and Peter W. Grayson aids; Milam, Bird Lockhart, Travis, and "Deaf" Smith, were each in command of scouts who were always on duty.

The scouting parties had several skirmishes, penetrating the country as far west as the Nueces, burning off the grass which furnished subsistence to the Mexican horses. Near the powder-house near San Antonio, seven of the enemy were killed ; and, near the Nueces, Travis captured and brought in a large number of cavalry horses.

QUESTIONS.—On what day did the consultation meet to organize ? What body surrendered to them ? Who was elected president ? Who was secretary ? In what important particular did this general consultation differ from the conventions which preceded ? What was the next act of the first day's sitting ? Was a majority of the consultation in favor of an immediate declaration of independence ? What was then the condition of the Mexican confederacy ? Give an account of the acts of the 12th of November. What solemn declaration did the consultation make which was unanimously adopted and signed by every member ? When ? On what date did the consultation adjourn ? When were they to meet again ? Where did the members of the consultation go ? What duties devolved upon the provisional governor ? What question now agitated the army ? What order was issued by Austin ? What did Burleson and Sublett reply ? Who arrived on the same day ? How had they travelled from the Brazos ? What announcement was made to the army on the 24th ? What request was made ? What was the response ? Who was elected commander ? When did Austin leave the army ? What officers were appointed ? What can you tell of the scouting parties ?

CHAPTER XXXIII.

THE GRASS FIGHT—STORMING OF SAN ANTONIO—DEATH OF MILAM.

A MULE train, guarding the silver for paying the Mexican troops, was daily expected to arrive at San Antonio ; and James Bowie, with a small detachment of men, a few miles west of San Antonio, discovered a train, heavily packed, approaching. Runners were despatched to the camp for reënforcements. All who had their horses in readiness left in haste, and many pressed forward on foot. Bowie, seeing the prize about to escape him, made a furious charge. Burleson arrived in the midst of it ; and his father, Colonel James Burleson, an old officer of the Creek war, electrified the young men, calling out in a clear, ringing voice : “ Charge ’em, boys ! Charge ! ”

The Mexicans, after losing a number of men, abandoned

their train and fled into the town. The packs were found to contain grass for the cavalry horses.

STORMING OF SAN ANTONIO—DEATH OF MILAM.

On the 4th of December, Colonel Ben Milam, alarmed lest the entire encampment should disband and go home, moved restlessly to and fro like a caged lion. Late in the day, when the men were in line, he suddenly called out: "Who will follow old Ben Milam into San Antonio? Let all who will form a line here." With loud cheers for Ben Milam and Texas, three hundred men responded. The attack began early on the morning of the 5th of December, the storming party being formed in two divisions, under Colonels Milam and Johnson, while a reserve was held in camp by General Edward Burleson. The division under Milam consisted of six parts of companies with their several captains, two pieces of artillery, and fifteen artillerymen. Johnson had eight parts of companies with their captains.

At three o'clock in the morning of the 5th, Colonel Neill was sent across the river to be in readiness to make a feint upon the Alamo, to divert the attention of the Mexicans from the advance of the two divisions. This was done with the desired effect. The two divisions advanced together. Milam took possession of the stone house of Garza, and Johnson of the stone house of Veremendi, the families having left. Both divisions were for a time exposed to a heavy fire from the whole of the enemy's line of fortifications, and at seven o'clock a heavy cannonading from the town was seconded by a well-directed fire from the Alamo. This prevented a safe communication between the divisions. Colonel Milam's two guns could not be used to advantage, but with close and well-aimed fire from their rifles they compelled the enemy to slacken their fire, and several times to abandon their artillery. The casualties on this day were one killed and fifteen *wounded*, three dangerously.

The two divisions passed the night in strengthening their positions, opening trenches, and making a communication between them, constantly exposed to a heavy cross-fire from the enemy. At daylight on the 6th a portion of the enemy occupying the tops of the houses, protected by the palisadoes, poured through loopholes a furious fire of small arms on the whole Texan line, followed by a steady cannonading from the town in front, and from the Alamo on the left, with little intermission all day. The Texans, under a heavy fire, obtained possession of another house, extending their line at the same time that they returned the enemy's fire, and strengthened their trenches so that they were able to mount their two guns and do good execution with them. On the second day five were wounded.

During the night the enemy opened a trench on the Alamo side of the river and on the left, and strengthened their battery on the cross street leading to the Alamo. The Texans made and filled sandbags and strengthened their lines.

By eleven o'clock on the 7th—third day of the fight—the superior fire of the Texans had silenced the cannonading and small arms of the Mexicans, which was soon renewed. At twelve o'clock Henry W. Karnes, of Captain York's company, under a heavy fire, forced an entrance with a crowbar into a stone house in front, the whole company rushing in. In the afternoon the enemy opened fire from every available position. At half-past three, as Colonel Milam was entering the yard of the Veremendi house, he was struck on the head with a shot which killed him instantly. The death of Colonel Milam, the master spirit of this most hazardous undertaking, was a calamity which might have proved disastrous; but his men were fired with the determination to avenge the loss of their loved and trusted leader. Colonel Johnson was invested with the chief command. Later in the day four companies forced their way into the Navarro house, an advanced

The weather was

... killed : two

At the close of the fight the Texans captured the Zambrano row of buildings, the strongest point of their adversary's position. They continued to drive the Mexicans retreat- ing until they had destroyed a number of buildings. They were now within about three hundred yards of the city, and the Mexicans were in chains, and in great misery. It added but little to the suffering for the

... of a battery of

... of a battery of
... the New Orleans

...d their way into the
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... of the incessant volleys of
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hundred prisoners. The

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1. The first group of respondents (10%) was composed of individuals who had been involved in a violent crime as a victim, witness, or perpetrator. These individuals were recruited through a variety of sources, including law enforcement agencies, community organizations, and the media. The second group (20%) consisted of individuals who had been involved in a violent crime as a victim, witness, or perpetrator, but who had not been recruited through any of the above sources. These individuals were recruited through a variety of sources, including law enforcement agencies, community organizations, and the media. The third group (30%) consisted of individuals who had been involved in a violent crime as a victim, witness, or perpetrator, but who had not been recruited through any of the above sources. These individuals were recruited through a variety of sources, including law enforcement agencies, community organizations, and the media. The fourth group (40%) consisted of individuals who had been involved in a violent crime as a victim, witness, or perpetrator, but who had not been recruited through any of the above sources. These individuals were recruited through a variety of sources, including law enforcement agencies, community organizations, and the media.

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

THE *Journal of the American Academy of Child and Adolescent Psychiatry*

1824 ;" the cavalry to retire with the general, also the convicts and their escort. The private soldiers were disarmed and allowed to go or remain in the country. On the 15th General Burleson left the command to Colonel Johnson, and retired to his home on the Colorado. Most of the volunteers returned in triumph to their homes, leaving a small force at San Antonio under Lieutenant-Colonel Joseph C. Neill.

When the official report of the victory reached the Council they immediately passed appropriate resolutions expressive of their intense rejoicing, and admiration for the heroes who had won the "unparalleled victory," and of most profound sorrow for the death of "so pure a patriot, so brave a soldier, and so true and valuable a friend to Texas," Benj. R. Milam.

QUESTIONS.—Give an account of the Grass Fight. What was the result ? Describe the occurrences of the 4th of December. When did the attack begin ? How was the storming party formed ? For what was Colonel Neill detailed ? Was he successful ? Describe the advance and plan of attack. What were the casualties ? How did the Texans pass the night ? What occurred on the 6th ? How many were wounded ? How was the second night passed by the two armies ? Give an account of what occurred on the 7th. Describe the calamity of the 8th. How was the night spent ? What occurred on the morning of the 9th ? How long did the fight continue ? What were the losses on both sides ? What was done with the prisoners ? Whom did Burleson leave in command ? What of the volunteers ? What took place in the Council when the news of the victory reached them ?

CHAPTER XXXIV.

POWERS OF THE PROVISIONAL GOVERNOR—POWERS OF THE COUNCIL—JOHNSON AND GRANT—ACTS OF THE PROVISIONAL COUNCIL.

GOVERNOR HENRY SMITH and the committees of the Council did not at all times harmonize in their views and acts. The Governor was clothed with full and ample executive powers ; was made commander-in-chief of all the military forces of Texas by sea and land, to lead and conduct them by his proper officers, by sea or land, within or without the limits of Texas ; and with all other powers which may be thought

necessary by the Council, calculated to aid and protect the country from her enemies. The Council had no powers separate and apart from the Governor, but were devisers of ways



HENRY SMITH.

and means for the support of the army, and to advise and assist the Governor in the discharge of his duties. The powers granted to both were ample for all emergencies that might arise. The Governor and Council were authorized to contract for loans, not to exceed one million dollars, and to hypothecate the public lands and pledge the faith of the country for the security of the payment.

It was the Governor's policy to increase the army

by a recruiting service under Travis, who was already in that field; to collect supplies through agents already appointed for that service, and place both at the discretion of General Sam Houston, commander-in-chief, that they might be able to meet the invading armies of Santa Anna, which were confidently expected in the spring.

The Military Committee of the Council developed a policy which would place the military resources of the country at the disposal of agents of their own appointing, whose movements they could direct. To accomplish this they passed decrees over the Governor's veto not in harmony with the plans of the commander-in-chief. On the 25th of December the Military Committee reported a resolution favoring *an attack upon Matamoras*. "Striking a decisive blow at

once by taking Matamoras," Colonel Frank Johnson wrote to the Council, January 3, 1836. "It is an expedition of the utmost importance at this time." The Military Committee recommended that Colonel Johnson should take command of all the troops which he could raise for that purpose.

The chairman of the Military Committee directed the government agent in New Orleans, Captain Edward Hall, to land all munitions of war and other supplies at or as near to Copano as possible, in view of the establishment of "a cordon of forts being established from Bexar, by Goliad, to San Patricio; government agents to be stationed at each post." "Indeed, we hope," he added, "to extend the line to Matamoras at no very distant time."

The committee ascertained that "Colonels Fannin and Johnson fully concur with the resolutions;" but, as Colonel Johnson declined to coöperate with Colonel Fannin, all power was conferred upon Fannin as "agent for supplies and for the collection of all volunteers who were willing to enter into an expedition against Matamoras, wherever they may be found; . . . to negotiate a loan of three thousand dollars, to hold elections for officers, and appoint such special agents as he should deem necessary, and delegate to them in writing such powers as he might think proper."

JOHNSON AND GRANT.

Dr. James Grant became associated with Colonel Johnson in his plans, and their proposed expedition received the sanction of the Council; not the Governor, Henry Smith.

Dr. Grant was a Scotch resident of Coahuila, where he had large landed interests. He was one of the exiled members of the legislature. As aid-de-camp to General Burleson in the storming of San Antonio, he fought bravely and received a wound.

The small garrison left in San Antonio consisted of a few enrolled soldiers, among whom were several sick and wounded,

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ters to Washington, on the Brazos; and, as Lieutenant-Colonel Neill wished to be relieved from San Antonio and enter the recruiting service, General Sam Houston ordered Lieutenant-Colonel Travis to that post.

As early as December 17, 1835, General Houston had ordered Colonel Bowie, at that moment at Goliad, to proceed on the route to Matamoras, "hoping thereby to get the expedition under governmental control, to have it in his power to order its abandonment."

General Houston added: "Much is left to your discretion." In a report he said: "There is no man on whose forecast, prudence, and valor I place a higher estimate than Colonel Bowie." Of the expedition he further said: "A city of twelve thousand souls will not be taken by a few men who have marched twenty-two days without breadstuffs or necessary supplies for an army." Colonel Bowie did not receive the order, having left for San Antonio.

General Houston then went to Goliad, arriving there on the night of the 14th of January. He had orders from Governor Smith to "take command and commence active operations against Matamoras, or annoy and injure the enemy as circumstances would permit."

It was hoped that the presence of the commander-in-chief would produce subordination among the volunteers at Goliad, and divert them from the Matamoras scheme, which both the Governor and General Houston considered "suicidal."

After a brief visit to Refugio and Goliad, General Houston returned to Washington and reported. He said: "So soon as I was made acquainted with his [Johnson's] mission, and the powers granted to J. W. Fannin, Jr., I could not remain mistaken as to the object of the Council or the wishes of individuals. I had but one course left me to pursue, which was to return and report to you." He then added this prophetic expression: "By remaining with the army

the Council would have had the pleasure of ascribing to me the evils which their own conduct and acts will, in all probability, bring upon the country."

In February, 1836, General Houston and Captain John Forbes visited the Cherokee Indians in the East as commissioners, to renew the pledge which the "consultation" had so solemnly made them, securing to them their land titles, and defining their boundaries.

The remnant—many having left from time to time—of the Council continued to meet after nominally deposing Governor Smith on the 11th of January, and sometimes passed ordinances on the most weighty subjects. They adjourned to Washington, on the Brazos, on the 16th of February; and, without a quorum, continued their organization, in part, until the 1st of March, 1836, when the convention met, and they delivered their archives to that body.

In the meantime the calamities which had been predicted were already upon the country.

QUESTIONS.—Did the members of the provisional council form a harmonious body? What power did the Governor derive from the constitution by which his office was created? What powers were conferred upon the council? What were they authorized to do for the relief of the treasury? What was Governor Henry Smith's policy? What was the policy of the council? What was Colonel F. W. Johnson's opinion of the expedition? What was Captain Edward Hall directed to do? What were Fannin's views of the plan? Who became interested with Johnson in the expedition? Did they receive the approbation of the council? Of Governor Smith? Who was Dr. Grant? What was the condition of affairs in San Antonio? What did the leaders think with regard to a number of Mexicans? Where did Johnson and Grant establish their headquarters? Where were Fannin's? What news did Governor Smith receive from San Antonio? What did this call forth from Governor Smith? What became the war-cry? What did Grant promise to those who would join him? What did he style himself? Where did he join Johnson? What had Governor Smith directed Houston to do? Whose place did Travis take? What order had Houston given to Bowie? Why? What did he state in the order? Did it reach Bowie? Where did Houston go? Why? What orders had he? What was hoped? What did Houston state on his return? What prophetic remark did he add? What important service did Houston render in February, 1836? What did the provisional council continue to do? When did the convention meet?

Commandancy of Bexar 1536
 July 23 to 3 October 1836
 To General Antonio Lopez de
 the Citizens of Gonzales
 The enemy in large force
 is in sight - we want men & pro-
 visions - send them to us - we
 have 150 men & are determined
 to defend the Alamo to the last
 give us assistance -
 M. B. Travis
 Lt. Col. Comdr.
 R. Said our expenses to San
 Felipe with our men - night
 & day -

TRAVIS' APPEAL FROM THE ALAMO.

Photographed from the original in possession of John Henry Brown.

CHAPTER XXXV.

SIEGE AND FALL OF THE ALAMO.

By the middle of February, 1836, the plans of Santa Anna for a general invasion of Texas became positively known: to enter in three divisions—Sesma, Filisola, and Cos to take San Antonio; Urea and Garay to take Goliad, and march by the lower route through Victoria to Nacogdoches; and Santa Anna to penetrate into the heart of the country—the object being to exterminate the Americans.



THE ALAMO.

The siege of the Alamo was made known to the country by an appeal from Travis, February 23d, to Andrew Ponton, judge, and the citizens of Gonzales, for men and provisions. The enemy were then in sight. He added: "Send an express to San Felipe night and day." The express hastened forward with the news to Washington, on the Brazos; Governor Smith, by proclamation, made a most stirring and earnest appeal to the patriotism of the country for aid in supplies and men for the relief of the Alamo.

On the 24th Travis wrote: "I am besieged by a thousand or more Mexicans under Santa Anna. I have sustained a continued bombardment for twenty-four hours and have not lost a man." He adds: "The enemy have demanded a surrender, otherwise the garrison is to be put to the sword if the place is taken. I have answered the summons with a cannon

shot, and our flag (the federal flag of Mexico) still waves proudly from the walls." Travis had no doubt of reënforcement from Fannin and other sources.

In response to Travis' appeal, at three o'clock on the morning of the 1st of March, thirty-two brave and daring men from Gonzales, under Captain Albert Martin, made their way into the fort.

On the 3d of March—the convention having met on the 1st—Colonel Travis wrote to the convention that, from the 25th of February, he had sustained a constant bombardment from two howitzers, and a heavy cannonading from a battery on the other side of the river; at the same time the enemy were employed in encircling them with entrenched encampments. He said: "At least two hundred shells have fallen inside our walls without having injured a single man; indeed, we have been so fortunate as not to lose a man from any cause, and we have killed many of the enemy." He adds: "The spirits of my men are still high, although they have had much to depress them." Travis was still faintly hoping for aid from Fannin.

Travis wrote the convention his views as to the final battle-ground, which explains what might otherwise seem like obstinate recklessness.

"If large reënforcements are hastened to this frontier, this neighborhood will be the great and decisive battle-ground. The power of Santa Anna is to be met here or in the colonies; we had better meet it here than to suffer a war of desolation to rage in our settlements. Though this call may be neglected, I am determined to sustain myself as long as possible, and die like a soldier who never forgets what is due to his own honor or that of his country.

"God and Texas! Victory or death!

"TRAVIS."

Colonel Fannin predicted what afterwards became true:

“A victory for the Mexicans at this time will cost them more than a defeat.”

On the morning of the 3d Colonel James Butler Bonham of South Carolina, whom Travis had commissioned with a last appeal to Fannin for aid, reëntered the walls, under a shower of balls from the enemy and amid acclamations of welcome from the men in the Alamo.

When the siege began they were almost destitute of food ; but in some deserted houses they found about ninety bushels of corn, and before the siege advanced they had driven within the walls twenty head of beeves.

On the 4th the Mexicans kept up a constant bombardment. It seemed to be their purpose to wear out the physical strength of the garrison, so that, at the last, victory would be easy.

Santa Anna, after a council in which there was a difference of opinion as to waiting for some heavier guns, determined to make the final assault on Sunday morning, the 6th of March. The order for the attack was full and precise in all its details, and the movements of the attacking columns were so planned as that the advance should reach the walls quietly, just at daybreak, supposing that the worn-out Texans would at that hour be seeking repose. Five bodies of infantry were combined into three bodies of attack. Some of the men were furnished with scaling ladders and axes ; in the rear of these was a regiment of dragoons. The command of the attack was given to General Castrillon, a gallant and brilliant officer of Spanish birth. Santa Anna took his station, with a part of his staff and all the regimental bands, at a battery south of the Alamo and near the old bridge, from which a single bugle blast was the signal for attack upon various parts of the wall. The charge of the three columns was almost simultaneous. That of Toluca made a breach on the north, but from a gun on the northwest angle of the wall, and the deadly fire of the Texas riflemen, this

column was thrown into disorder, halted, and was kept from flight by the cavalry, which pressed closely upon them in the rear. Here the leader, Colonel Duque, fell, dangerously wounded. The other columns rushed, or were pushed, through the battered gateway, and, after being three times driven back, tumbled over the walls. The outer wall, enclosing an area of nearly two acres, was now indefensible. The Texans now retreated to the rooms, by which means they were divided into separate parties, each keeping up a deadly



JAMES BOWIE.

fire with their rifles ; and, at the last, when they were so pressed upon that they could not reload, they fought with clubbed guns as long as a man was left alive, and then—all was over. The body of Travis was found near the gun on the northwest angle of the wall, and around it were many dead Mexicans, showing that Travis had sold his life dearly.

Colonel James Bowie, who had at the first shared the command with Travis, had been confined to his couch with sickness ; but his room was entered and he was killed, after having

killed several of the enemy, whose bodies were found lying near his couch.

“Crockett had taken refuge in a room of the lower barrack, near the gate. He either garrisoned it alone or was left alone by the fall of his companions ; he went *forth to meet his fate* in the face of the foe, and was shot



DAVID CROCKETT.

down. There were several dead bodies of Mexicans near him."

According to Santa Anna's report the final assault occupied thirty minutes; and, according to one Mexican authority—naturally inclined to underrate their loss—about five hundred were killed; and it was stated between three hundred and fifty



MONUMENT ERECTED TO THE HEROES OF THE ALAMO, PLACED IN THE PORTICO OF THE CAPITAL AT AUSTIN IN 1868, BURNED WITH THAT BUILDING IN 1891. INSCRIPTIONS: TRAVIS, BOWIE, CHOCCKETT, BONHAM.

North Front. To the God of the fearless and free is dedicated this altar made from the ruins of the Alamo.

West Front. Blood of heroes hath stained me; let the stones of the Alamo speak that their immolation be not forgotten.

South Front. - Be they enrolled with Leonidas in the host of the mighty dead.

East Front. - Thermopylae had her messenger of defeat, but the Alamo had none.

and four hundred died of wounds in the hospitals. The Mexicans were so exasperated by their loss that they mutilated the bodies of the Texians; and Santa Anna, it was said, who was now on the scene, refused to spare three or four who had escaped the massacre. The number of men with Santa Anna was about six thousand, and with Travis in the garrison were one hundred and eighty-two.

The dead bodies of the Texans were thrown into heaps with alternate layers of combustibles and partially burned. This was the "Fall of the Alamo."

"They died the Spartan's death,
But not in hopeless strife;
Like brothers died, and their
Expiring breath
Was freedom's breath of
Life."

Those who were spared from the massacre were Mrs. Dickinson and child, Mrs. Alsbury and child, a Mexican woman, Senora Candalaria, and a negro man belonging to Travis.

When the fall of the Alamo became known, families began fleeing to the East in whatever way they could—men, women, and children, in carts and on foot, through rain, sleet, and mud, fleeing in terror from Santa Anna, with terror of Indians in their pathway, many burying their dead hastily in the wilderness, and all suffering for proper food. The whole country west of the Trinity was depopulated.

General Houston, having been elected commander-in-chief by the convention, on the 4th of March, left Washington on the 7th, and arrived in Gonzales on the 11th, on the evening of which day he was informed of the fall of the Alamo, by a Mexican. On the same evening he wrote to Fannin at Goliad to abandon that place and concentrate all his forces at Victoria. He added: "Prompt movements are necessary."

Colonel Fannin received the order on the evening of March 13th.

QUESTIONS.—What became known in Texas about the middle of February, 1836? What were his plans? How was the siege of the Alamo made known to the country? At what date? What was the appeal? What did he add? What step did Governor Smith take? What was the word from Travis on the 24th? Did he expect reinforcements? What was the response to his appeal? What did Travis write on March 3d? From whom did he hope for aid? What did Travis write to the convention? What did Fannin predict? Who returned on the morning of the 3d? How were the men fed? What seemed to be the purpose of the Mexicans? What did Santa Anna determine? Describe his plan of attack. How were the Texians situated? Describe the fight inside the walls. Where was Travis' body found? Give an account of Bowie. Of Crockett. What was Santa Anna's report? Why did the Mexicans mutilate the bodies of the Texians? What was Santa Anna's force? What was that of Travis? What was done with the bodies of the dead Texians? Who were spared from the massacre? What took place when the fall of the Alamo became known? Who was commander-in-chief on the 4th March? Where did he learn of the fall of the Alamo? What were his orders to Fannin?

CHAPTER XXXVI.

FANNIN AT VELASCO—KILLING OF JOHNSON'S MEN—FATE OF
GRANT AND HIS MEN—DECLARATION OF INDEPENDENCE.

IMMEDIATELY preceding the fall of Travis and his Spartan band at the Alamo, the tidings of which spread like a funeral

pall over the country, was the culmination of the "On to Matamoras!" scheme.

Colonel Fannin, detained at Velasco, waiting for vessels to take his command—increased by the arrival of a battalion from Georgia—to Copano and Goliad, sent a request to Johnson and Grant, at San Patricio, that they would scour the country around for horses to mount his men.

For the purpose of complying with this request the men divided, some going with Grant, while part remained with Colonel Johnson at San Patricio. About sixty miles from San Patricio they captured a Mexican guard with three or four hundred horses, recruiting for Urea's cavalry, soon to advance from Matamoras. They also recaptured Rodriguez and his sixty-seven men, who had been paroled near Lipantitlan. With these they returned to San Patricio. On their second expedition they captured a band of fifty Mexicans and several hundred horses near the Rio Grande. They also visited several ranches, buying horses at low prices. On their return, on the 2d of March, Dr. Grant, Placido, Venibides, and Reuben R. Brown as guides, left their camp on the Agua Dulce, twenty miles below San Patricio, a little in advance of their men and horses, and were travelling leisurely, in fine spirits. Passing between two motts of timber there rushed out from each several hundred Mexican dragoons, who immediately surrounded them. The three could have escaped; but, prevailing on Venibides to hasten to Goliad and give Fannin (he having reached that place) notice of Urea's approach, they attempted to join their men, when the dragoons opened their lines and Dr. Grant and Reuben R. Brown passed in. Within the lines they discovered the dead bodies of their men. Taking advantage of a stampede of the horses the two men started in their wake, were pursued, and, after a race of several miles, were surrounded. Dismounting, to sell their lives as dearly as possible, they *were soon disarmed*. Brown was lanced in the arm,

and dragged to the ground with a lasso around his body. Grant fell, pierced with several lances from officers who recognized him as a citizen of Coahuila; this they continued after he had expired. Brown was taken to San Patricio, and a few days later to Matamoras. In an emaciated and miserable condition he and Samuel W. McKneely made their escape, and reached Victoria late in December, 1836.

On the night of the 27th of February, Urea had surprised Johnson and his men in San Patricio. Colonel Johnson and four of his men escaped through the rear of the building, while the Mexicans, after killing all on the outside, attacked the building in the front.

Urea had now only to dispose of Fannin and his men at Goliad to make his victory complete.

MEETING OF THE CONVENTION.

The convention met on the first day of March, 1836, the sixth day of the siege of the Alamo, at Washington, on the Brazos, and organized. There were fifty-eight delegates from the twenty-two municipalities, but not all present, who were chosen chiefly for their known advocacy of an immediate declaration of independence. They were clothed with plenary powers.

Richard Ellis of Red River was elected president, and H. S. Kimball secretary. On the 2d of March, 1836, the convention read and adopted a "declaration of independence," whereby Texas was declared to be a "free, sovereign, and independent Republic." This declaration was signed by all the members then present, fifty-two in number. Six of them signed afterwards.

On the 4th of March the convention reëlected Sam Houston commander-in-chief of the army. He left for Gonzales on the 7th, having waited for his commission and

other necessary papers. He reached Gonzales at three P.M., on the 11th, where the volunteers were collecting, and where, at night of the same day, news reached him of the fall of the Alamo. On the same night he sent an order to Fannin to retreat to Victoria. On the 16th the convention adopted the "Executive Ordinance," by which was constituted the "Government *ad interim*" of the Republic of Texas. The President was clothed with all the powers deemed necessary to meet the extraordinary condition of affairs.



DAVID G. BURNET.

The constitution of the Republic was adopted at a late hour on the night of the 17th of March, but was neither engrossed, enrolled, nor signed, the members adjourning on the following day, after electing the president, vice-president, and cabinet.

David G. Burnet was elected President, and Lorenzo de Zavala, Vice-President, *ad interim*, of

the Republic. The members of the cabinet were Samuel P. Carson, Secretary of State; Bailey Hardeman, Secretary of the Treasury; Thomas J. Rusk, Secretary of War; Robert Potter, Secretary of the Navy; and David Thomas, Attorney-General.

The convention dissolved and gave place to the "Government *ad interim*" of the Republic. Some of the delegates hastened to the army, and others to their homes, to prepare for the removal of their families to places of safety. President Burnet and two of his cabinet, all who continued

with him, remained in Washington three days after the dissolution of the convention, when they removed, with the government archives, to Harrisburg, on Buffalo Bayou, and soon afterwards to Galveston, barely escaping capture.

QUESTIONS.—What immediately preceded the fall of the Alamo ? For what was Fannin waiting ? What request did he make of Johnson and Grant in February ? How were the men divided for this purpose ? How did their second excursion terminate ? Give an account of the 2d of March. What did they discover within the lines ? What did they attempt ? What was their fate ? What now remained to be done ? When did the convention meet and organize ? Who was elected president ? Who vice-president ? Who secretary ? What was done on the second day ? How many signed this declaration ? What was done on the fourth day ? What was accomplished by the 16th ? With what power was the president clothed ? What is said of the constitution of the Republic ? What officers were elected ? Who were they ? What then transpired ? What of President Burnet and two of his cabinet ?

CHAPTER XXXVII.

FANNIN'S ORDER TO RETREAT—KING'S MASSACRE—WARD'S FATE—FANNIN'S BATTLE AT ENCINAL DEL PERDIDO—SURRENDER.

ON the 21st of February, Fannin had received an order from the military committee of the council, who had made him their agent, "not to make any retrograde movements, but to await orders and reënforcements." On the 28th he was apprised of the entrance of Santa Anna into Bexar, and expressed his apprehension for "the fate of our brave men in the Alamo," and also of the surprise and killing of Johnson's men.

On the 13th of March, at night, he received the order from General Houston at Gonzales, written on the 11th, to fall back upon Victoria with his command and such artillery as was practicable, urging expedition in all his movements, as the immediate advance of the enemy might be expected. He added : "Every facility is to be afforded to women and children who may wish to leave."

In compliance with an urgent request from Refugio,

Fannin sent Captain King with thirty men of the Georgia battalion to escort a family from that place, as Mexican soldiers were reported in that vicinity. On arriving, Captain King found a superior force of Mexicans, who drove him into the old mission, from which he sent in great haste to Fannin for relief.

Lieutenant-Colonel William Ward, with one hundred and fifty of the Georgia battalion, started on the 12th, before daylight, for Captain King's relief, which was accomplished, and their immediate return was expected.



LORENZO DE ZAVALA.

Captain King, however, went with his thirty Georgians to chastise some *rancheros* in that vicinity whose fealty was doubted. The *rancheros* were too strong for them, and they retreated back to Refugio. They found that place in the hands of the Mexicans, and started on a retreat, when they

became lost; and, after wandering all night, found themselves in the morning surrounded by a body of Mexicans, to whom they surrendered, and were every one shot.

Colonel Ward, hearing the firing at the ranch, left the mission (Refugio) with his men, to go again to Captain King's relief, when they were met by a Mexican force of six hundred men. They retreated into the mission, where they not only defended themselves, but with the true aim of their rifles *changed the charge of Urea's men into a flight*, leaving many

dead Mexicans on the field. Colonel Ward left three wounded in the mission, who were afterward shot. Colonel Ward and his men retreated in the night into the coast country, with which they were unacquainted, crossed the Guadalupe, and on the 21st they were captured near the mouth of the Garcitas Creek, taken back to Goliad, and afterward shot with Fannin and their comrades.

Colonel Fannin began making his preparations for retreat as soon as possible after receiving General Houston's order on the 13th. He awaited the return of the Georgia battalion. On the 17th one of the messengers returned and gave information of the death of Captain King and his men, and of the retreat of Colonel Ward.

On the morning of the 18th preparations began in earnest, when a party of the enemy came in sight. Captain Horton of Matagorda, who had arrived on the 14th with thirty fresh horsemen, started in pursuit. The Mexicans fled, but, being reënforced, they in turn chased the Texans back. Horton sent for all the mounted men in the fort to join him, which was done. They went out of sight, but soon came flying back, pursued by the Mexicans. Horton and his men took refuge in the old Aranama Mission. Captain Shackleford with his company, and the artillery men with a gun, went to Horton's relief. The Mexicans soon, however, disappeared. Nothing was accomplished on either side, and a day of valuable time—they little knew how valuable—was lost. Early on Saturday, March 19th, they left the fort, the artillery and baggage in wagons drawn by oxen, which were poor and weak. They crossed the San Antonio River, Horton's men acting as scouts. Travelling slowly, at the end of seven miles they came to a spot of fresh grass where they halted an hour to let the oxen graze and to refresh the men. No enemy appeared.

The oxen soon wearied, and their progress was slow ; but, as four mounted men were in the rear to give due notice of danger, no apprehension was felt. Soon the enemy came in

sight from the timber of the Manahuila Creek, which they had crossed, and the four scouts came riding furiously under whip and spur, but all passed on except one man, Ehrenberg, who wheeled and joined the Texians. Colonel Fannin ordered a halt, unlimbered a four-pound cannon, fired three shots, and then renewed the slow march, the enemy retiring. In a piece of low ground, about half a mile from timber ahead of them, they were halted by the breaking down of their ammunition wagon. Before this could be repaired they were surrounded by about five hundred Mexicans, whose advance had been concealed by fog. The number was soon after increased to one thousand or more men. The Mexican cavalry made repeated attempts to charge, but the Texas riflemen reserved their fire until the right moment, and compelled them each time to retire.

Just at dusk a regiment of Yucataco Indians, under Colonel Portilla, advanced, crouching in the tall grass, and opened a destructive fire; but these were silenced by the Texas rifles, aimed wherever the flash of an escopeta was seen in the tall grass. A night of intense darkness, cold and wet, closed the fight, the Mexicans surrounding them with their guard.

The Texians dug a ditch around themselves on less than one-fourth of an acre of ground, and made breastworks of their carts, the carcasses of the last two of their horses and of their oxen, and lying down occasionally to sleep. The ground was wet and cold, and they gladly worked for exercise and warmth.

Early in the morning, just as day was breaking, the enemy received a reinforcement of three or four hundred men, with a fresh supply of ammunition and two pieces of artillery, from which they began the day with shots of grape and canister.

The Texians now found that their provisions had been forgotten. They were all, and especially their wounded, suffering for water, and were worn out with the exertion and

exposure of the day and night. The question of surrender or a rush for the timber began to be discussed.

Colonel Fannin said : " We fought them off yesterday, and we can do it again to-day."

The rush for the timber involved the leaving of their wounded men. Dr. Shackleford, who was a surgeon, also had command of a company of very young men, " The Red Rovers," sons of his neighbors, who had come out to " have a brush with the Mexicans," his own son and two nephews being of the number. Many of these were of the number wounded. He, of course, refused to leave them.

They could scarcely hope for a better fate than that of Johnson's men, or of King and his thirty Georgians, if they surrendered.

The cries of the wounded and dying for water, and the faint hope of a capitulation in which their lives should be spared, at last prevailed; failing in this, they resolved to fight to the last and die in the trenches. They then raised a white flag to which the Mexicans quickly responded, and the officers on both sides, with writing materials and interpreters, agreed upon terms of capitulation on the 20th of March, 1836.

They surrendered as " prisoners of war," according to the usages of civilized nations, with a verbal pledge that they should be paroled and sent to New Orleans as soon as possible. Colonel Holtzinger, who received their arms, said pleasantly : " Well, gentlemen, in ten days, liberty and home."

Of the Mexicans, fifteen dead bodies were lying within rifle shot of the Texians, and one hundred of their wounded were placed under the care of the Texas physicians. Their full loss was never ascertained. By the 22d they were all removed to Goliad. On the way they met General Urea with about one thousand men, on their march to Victoria. They spoke kindly in passing, and endeavored to cheer up the spirits of the prisoners.

On the 24th Major Miller and eighty men from Tennessee

and Kentucky were brought prisoners from Copano. These were captured on landing, and had only time to throw their arms into the bay, and, claiming to be immigrants, were spared at the killing.

On the 25th Colonel Ward, with the missing Georgia battalion, arrived in a miserable condition.

QUESTIONS.—What order had Fannin received? Of what was he soon after apprised? What had he done on the 11th of March? What was the result? Who was sent to his relief? What was his next move? What was their fate? Describe Ward's movements. What was his fate? Why did Fannin wait? Describe Horton's encounter with the Mexicans. When did they finally begin their retreat? How was it conducted? What occasioned the second halt? What change was made in their mode of attack? How were the Texans occupied during the night? What occurred on the following morning? What was now the situation of the Texans? What became the question? What was Fannin's belief? What was involved in the rush for the timber? What could they hope from a surrender? What finally prevailed? What was done? On what date? What were the terms? What was the Mexican loss? To what place were the prisoners taken? Whom did they meet on the way? Who arrived on the 24th? Why were they spared? What prisoners were brought in on the 25th?

CHAPTER XXXVIII.

SHOOTING OF FANNIN AND HIS MEN—RESPONSIBILITY DENIED.

ON the 26th Colonel Fannin returned with his adjutant and Colonel Holtzinger from Copano, where he had been sent on some mission. His wound, which he received in the first encounter, was dressed, and they were all in fine spirits. Although they had only the bare floor of their prison for beds, they talked and sang "Home, Sweet Home," and slept the night away—their last night on earth. The order for their execution had already arrived.

Early on the morning of the 27th, Palm Sunday, the Mexican Colonel Garay, by birth a Greek, managed to withdraw from the fort the three physicians, Shackleford, Barnard, and Fields, and nine of Fannin's men; also two men whom he *concealed in his tent, which was three hundred and fifty yards*

from the fort, with Miller's men, unarmed when taken prisoners, detaining them there under "special orders."

Under various pretenses the prisoners were marched out of the fort in three companies—one on the San Antonio road, one on the Corpus Christi road, and the third towards the lower ford. They were halted about a half mile from the fort. The men had no suspicion of their fate until the guns were levelled upon them, when several shouted: "They are going to kill us, boys!" They cheered each other, and exhorted all to die like men, while some shouted: "Hurrah for Texas!" Simultaneous shots from the soldiers, under three captains, silenced all. Colonel Fannin, on account of his wound, was not marched out with the other prisoners. When told that he was to be shot, he heard it with apparent composure, handed his watch and money to his executioner, and requested that he might not be shot in the head, and that his body might be decently buried. He was shot in the head, and his body stripped and thrown into the funeral pile with his men. Colonel Fannin's wounded, sixty in number, were dragged out of the hospital, shot, and their bodies thrown aside. A small number broke ranks and ran at the instant of firing. These were pursued, and most of them shot; twenty-seven escaped. Sixteen of Horton's men were with Fannin, Horton himself and the remainder having been cut off from them while scouting in advance.

The three physicians were kept at Goliad until the wounded Mexicans no longer required their services, when they were sent to assist the Mexican surgeons among the wounded in the battle of the Alamo.

Miller's men, not being found armed, were after some time set at liberty.

The responsibility for these atrocities was shifted from one to another of the officers at Goliad, and Santa Anna shifted it from himself to his government. Portillo of the Yucatacos deplored that the miserable deed was to so large an extent

required of his "poor Indians;" and Filisola condemned Urea for needlessly assassinating so many brave young men, "when the same results could have been effected without it." The Mexican troops, excepting a guard of about eighty men, left Goliad to move easterly. Thus ended the Matamoras expedition.

The Mexican Government, regarding the subjugation of Texas as completed, sent messages to Santa Anna, complimentary in the highest degree of the "brilliant triumph he had achieved over the perfidious colonists." "Ever patriotic," wrote the Minister of State, "your Excellency has garnished your temples with laurels of unwithering fame." Santa Anna did not receive this letter, it being intercepted; but in his manifesto he seemed to have been crowned with thorns. Among other similar complaints he said: "I am represented as being more ferocious than a tiger—I, who was ambitious of being distinguished by nothing so much as my clemency."

Santa Anna now decided that his officers with a few soldiers could penetrate and take possession of the country, while his secretary, Almonte, should resurvey and parcel out the lands to any foreigners, save Americans, and especially to Mexican families, several of which had come in the wake of the army, much to Filisola's disgust, while he himself should return with the cavalry and artillery to perfect in his capital his plans for a central despotic government in Mexico.

Almonte, who had spent the summer of 1824 among the people of Texas, at which time he studied the character and habits of the people, and their "unexampled success," now reminded Santa Anna of the fact that the people who claimed the soil of Texas had not been conquered, and Filisola joined his remonstrances against taking the army out of the "unconquered country."

QUESTIONS.—How did Fannin and his men spend the night of the 26th? What had already arrived? What occurred on the early morning of the 27th? How were the prisoners arranged? Did they suspect their fate? What was their first knowledge of

It? What were their shouts? Was Fannin among them? What was his request? Was it granted? What was the fate of the wounded? How many escaped? What of Horton's men? What became of the three physicians? Of Miller's men? Who was responsible for these atrocities? What was now done by the Mexican forces at Goliad? Of what was this the end? How did the Mexican Government regard these matters? Did Santa Anna receive this letter? What was his complaint? What were now his plans? How was he dissuaded from his purpose?

CHAPTER XXXIX.

HOUSTON'S RETREAT—ORGANIZATION OF THE ARMY—PANIC.

ABOUT midnight of the 13th of March, 1836, General Houston left Gonzales with five hundred men, moving easterly, most of the families moving in advance. Many of the residences and other buildings in the town were burned after the people left, but not by Houston's orders, to prevent their furnishing shelter and supplies for the Mexicans. General Houston continued his retreat eastward, and crossed the Colorado between the 17th and 20th of March, when his number of men was reported to be thirteen hundred to sixteen hundred. This number, not organized as to the majority, diminished as the families continued to flee. On the 22d Captain Henry Teal joined the army with a company of regulars.

From his scout, Captain Henry W. Karnes, who had several successful skirmishes with those of the enemy, General Houston learned that Sesma, with over seven hundred men, was camped on the opposite side of the Colorado, two miles below. General Houston's men were eager to attack them, and at one time he decided to do so on the 27th; but believing that reinforcements would soon arrive, and that his own army would soon be increased by men from Nacogdoches and Red River, as well as from the United States, and yielding to advice from the Secretary of War, General Thomas J. Rusk, he decided not to hazard a battle, as he could not yet foresee the "tolerable certainty of a victory," as the President had advised on the 16th. Here two regiments were organized of which

Edward Burleson and Sidney Sherman, who had arrived from Covington, Kentucky, with eighty men from that place and Cincinnati, were elected colonels.

It was necessary to defend other points, and Colonel Edward Harcourt was ordered to "defend Velasco with such resources as might be at hand." Colonel Alanson Huston was to protect and remove public stores from Coxe's Point to Galveston Island, which was defended by Colonel James Morgan. General Houston had the upper and lower crossings of the Brazos guarded by Captain Mosley Baker on the east bank, opposite San Felipe; and Captain Wyley Martin was placed near the ferry, opposite Fort Bend, each with a few men.

It had been hoped that a further retreat eastward would not be necessary, and especially that the Brazos should not be crossed, but it became the policy of General Houston to retreat. He did so on the 26th of March, and reached the Brazos on the 28th. During this retreat they were joined by one hundred and fifty men—parts of companies—who had made their way up from the mouth of the Brazos.

On the first day of April, General Houston made his encampment without tents, in the Brazos Bottom, in the midst of timber, mud, and water—the last increased by a rise in the Brazos River. From this place his scouts kept track of the movements of the enemy, and here he endeavored to introduce into his ranks some of the discipline and order necessary for successful warfare. From this place he addressed letters to committees of safety and to the panic-stricken citizens, assuring them that the safety of their families would be best assured by swelling the ranks of the army. At this place they were joined by eighty Red Landers.

The menacing attitude of the Cherokees and their associate bands, together with rumors of Gaona's advance into that region, not only deterred men from leaving for the army, but those who were already on the way to join, meeting the panic, *were turned back*, many believing the whole country would

soon follow. This also caused a few desertions from the ranks already enlisted; and, on the 26th, news of the disasters to Johnson and Grant, Ward and King, and to Fannin, increased the impatience and excitement in camp.

General Houston broke up his camp in the Brazos Bottom, and, on the 12th of April, commenced crossing that stream on a small river steamer and a skiff. This occupied two days. They rendezvoused three miles east of the crossing, where the Nacogdoches and Harrisburg roads cross each other. From this place, with the company of Baker and the "Twin Sisters," two small cannons presented by citizens of Cincinnati, they proceeded towards Harrisburg, by forced marches, in pursuit of Santa Anna. They reached opposite Harrisburg on the 18th of March, camped, and sent out scouts to reconnoitre for the enemy. The enemy had burned that town as they moved down.

It was found that the measles had broken out in the army, and it was necessary to prepare a camp for the sick, and detail nurses. This reduced their number about one hundred and fifty men.

QUESTIONS.—When did General Houston leave Gonzales? What of the families? The houses? What was Houston's course? What was his force? Did all of them continue with him? Who joined the army on the 22d? What did Houston learn from his scout? Why did he not attack them? Who were elected colonels of the two organized regiments? What were Colonel Harcourt's instructions? Colonel Alanson Huston's? Mosley Baker's? Wyley Martin's? What had been the hope? Did they retreat? When did they do so? By whom were they joined? Where did Houston make his encampment? What were his efforts while there? What letters did he write? How were the citizens of east and northeast Texas held back from joining the army? What news caused great excitement in Houston's camp? When did Houston cross the Brazos River in pursuit of Santa Anna? Give an account of his movements between the 12th and 18th. What calamity here befell the army? What was done in consequence?

CHAPTER XL.

THE BATTLE OF SAN JACINTO.

SANTA ANNA planned for three divisions of his army to enter and sweep over the country, driving the population across

the Sabine, and, "according to instructions from his government," shooting all prisoners as pirates found in arms against Mexico. Santa Anna himself, with the main army of four



SANTA ANNA.

thousand under Filisola as second in command, formed the central column, including his secretary, Almonte, and staff of engineers, and other officers of the new civil government about to be established in Texas. Urea, who had given melancholy evidence of his presence in the coast country, with upwards of seventeen hundred men, was to continue his line of march through Mata-

gorda, Galveston, and the coast, easterly; while Gaona should sweep over the upper route to Nacogdoches—all of which, to the general-in-chief, inflated with his recent successes, seemed easy of accomplishment.

Partly from swollen streams and bog, but chiefly from over self-confidence, Santa Anna was led into the misfortune and folly of scattering his army, and placing his own immediate command, as well as his person, in peril. On the 31st of March he had left San Antonio with about seven hundred choice troops which he had retained, and followed Filisola through Gonzales, marching easterly towards San Felipe and Fort Bend. Ordering Sesma, with his thousand men, to remain at Fort Bend, and Filisola to stop between those two places, he crossed the Brazos on the 14th of April, and with his small force and escort of five hundred men, with one small *cannon, he reached Harrisburg about midnight of the 15th.*

The idea of so brilliant an achievement as the capture of the president, cabinet, and archives of the new Republic of Texas, led Santa Anna to undertake the march to Harrisburg; and, learning of the removal of the government from that place, which he caused to be burned, to rush on with only his escort to New Washington. This he expected to accomplish and return in three days.

As President Burnet, with the only remaining member of the cabinet, Bailey Hardeman, was about fifty yards from the landing at New Washington, in a small boat containing his family, making their escape to Galveston, Almonte, who with a body of men was several hours in advance of Santa Anna, rushed forward, firing after the receding prize, which was soon beyond the reach of his escopetas. Santa Anna sent out scouts to reconnoitre who met the Texan scouts. These exchanged a few shots and retired to report.

On the morning of the 19th the Texan army crossed Buffalo Bayou, leaving their sick and baggage in camp, followed Santa Anna's trail down the right bank of the bayou, and took the direction of Lynch's Ferry across the San Jacinto, where the scouts had learned Santa Anna would attempt to cross, going to Anahuac. The two armies came in sight of each other, on the 20th, about half a mile from the ferry. The Texans halted in some timber, and the Mexicans took position near the bank of San Jacinto Bay. Occasional skirmishings took place, in one of which Colonel Neill, who had charge of the "Twin Sisters," was badly wounded.

Later in the day quite a force of Mexicans advanced rapidly to within one hundred and fifty yards of the Texas cannon, which opened upon them, when they fell back. The Texans were elated with each success, and exhibited some impatience at General Houston's delay in ordering an attack.

Late in the afternoon of the 20th, about an hour before sunset, Colonel Sidney Sherman obtained permission of General Houston to call for volunteers of mounted men to advance

towards the Mexican line. Eighty-six responded. They were supported by Colonel Burleson's regiment, and were promised the cover of Colonel Millard's infantry in case of retreat. Colonel Sherman's purpose was to charge upon the Mexican cannon, which was in plain view in the centre of their line. The cannon was withdrawn, and the attack was met by a brisk fire of small-arms. A general engagement seeming imminent, the infantry were recalled; and, after some pretty heavy skirmishing, in which the gallant young colonel and his brave comrades, many of them young men, bore their part with a courage worthy of veterans, they retired in good order to the camp. They had six horses killed, and two men wounded, one of whom afterward died.

On the morning of the 21st, about nine o'clock, a body of armed men was discovered approaching the Mexican camp, a reënforcement of seven hundred men for Santa Anna's army, increasing it to sixteen or seventeen hundred. They received their reënforcements with every demonstration of joy.

The Mexicans arranged their plan of defence, erected a breastwork of pack-saddles and baggage for their cannon, and a barricade of brush and trees for their front. General Cos and his men, much wearied with their march, withdrew to rest and sleep. Many of the men, also Santa Anna, did the same; others were occupied in riding their horses bare-back to and from water; all was in repose. In the Texan camp all was life and excitement. They had not known positively until the 19th that Santa Anna was with the army, and they were eager for an encounter. There was much counselling among officers and men. General Houston did not doubt the courage of his men, but felt the responsibility of confronting sixteen hundred of the flower of Santa Anna's army, with seven hundred and eighty-three of his untrained citizen soldiers. An order of attack was agreed upon, and four o'clock, P.M., was the hour *set*. *The bridge over Vince's Bayou, over which Cos made his*

approach, and the only means of retreat, had been destroyed by Houston's order.

QUESTIONS.—What was the next great battle? How did Santa Anna divide his forces? What was Santa Anna's folly? What was his course on March 31st? What were Sesma's orders? Filisola's? What capture did Santa Anna expect to make? How long did he expect it to take him? How did the scheme succeed? What was the next move of the two armies? Who was wounded in one of the skirmishes? What occurred later in the day? How did the Texans feel? What took place about an hour before sunset on the 20th? What was Colonel Sherman's purpose? How did it result? How did the men bear themselves? What was discovered on the morning of the 21st? How were they received by the Mexicans? Describe the movements in the Mexican camp. Those in the American. Why did Houston delay to make the attack? What was his force? What had he ordered burned?

CHAPTER XLI.

BATTLE OF SAN JACINTO (*concluded*).

THE Texans formed in one line. Colonel Sidney Sherman with his regiment formed the extreme left; Colonel Edward Burleson, the centre; on Colonel Burleson's right was the artillery under command of Colonel George W. Hockley; four companies of infantry, commanded by Lieutenant-Colonel Henry Millard, were on the right of the artillery; and the cavalry, sixty-one in number, commanded by Colonel Mirabeau B. Lamar, completed the line.

Colonel Sherman led the advance and shouted the war-cry: "Remember the Alamo!" This was caught up along the whole line, and the order of battle became a furious charge upon the enemy's front. Yelling the war-cry, "Alamo and Goliad!" they rushed on, receiving the irregular fire of the enemy, but reserving their own until they were within point-blank shot of the Mexicans. Without a halt they continued the furious charge. In eighteen minutes they had possession of the whole Mexican line, woodland, breastworks, and cannon. Hand to hand they fought, some using their guns for clubs, and continued their pursuit of the "panic-stricken herd," who, terrified by the ominous war-cry, fled in every

direction, and sought hiding places in the tall grass and behind trees. Some ran to the bayou, and finding the bridge destroyed, they crowded together in utter helplessness; others plunged into the bayou and sank in the mud. Here was the greatest carnage. There were brave officers among them who made vain efforts to rally their men. Some of these were killed early in the action. Among those who were first killed was General Castrillon, the brilliant Spanish officer who led



THE BRIGHAM SAN JACINTO MONUMENT.

the fatal charge upon the Alamo. Here was Travis' prediction verified. The victory at the Alamo was costing them more than a defeat. Santa Anna shared in the terror of his men as the sound of those ominous words rang in his ears, says Delgado. The pursuit was continued until night, when they returned to camp with their prisoners, and a guard was stationed at the Mexican camp.

The search for fugitives commenced early on the morning of the 22d, and continued through that and three or four succeeding days. A greater proportion of prisoners was brought in than on the preceding evening.

In the battle the Texan loss was six killed and twenty-three wounded, six of whom died of their wounds. General Houston received a severe wound in the ankle during the attack, shattering the bone.

The Mexicans lost six hundred and thirty killed, among *them one general, four colonels, two lieutenant-colonels, five*

captains, twelve lieutenants, two hundred and eight wounded, and seven hundred and thirty prisoners. Among the latter were Santa Anna, taken on the 22d, hidden in the grass, and in the disguise of a common soldier; Almonte, who surrendered on the 21st; and Cos, captured near the Brazos; besides a large number of muskets, sabres, pistols, mules, horses, and about twelve thousand dollars in specie.

While the Texans were as much surprised as exhilarated by the suddenness and completeness of their victory, the Mexicans were bewildered and terrified at the suddenness and completeness of their defeat, and expected full retribution for their butcheries at the Alamo and Goliad. When a fire of logs was kindled near the camp for the benevolent purpose of drying their clothes, wet and cold from floundering in the mud, they remembered with terror the holocaust of Texan bodies they had left smouldering at San Antonio, to be renewed at San Jacinto or wherever they should chance to encounter the Texan army, and when a guard was set they expected to be shot. Some begged for their lives, pleading, "Me no Alamo," "Me no Goliad."

What disposition to make of their distinguished prisoner, Antonio Lopez de Santa Anna, the self-styled "Napoleon of the West," became the all-absorbing consideration. He wished to make negotiations with General Houston and the Secretary of War, General Thomas J. Rusk, for his own immediate release and return to Mexico, "in order to perfect with the home government the terms of a proposed treaty of peace." On the other hand was the unwelcome assurance from General Houston that he must treat with the civil government of the country; and the demand for his immediate execution by a large portion of the army, among them many who discovered in his plea of urging a treaty of peace a stratagem for regaining his liberty, to place himself at the head of a new invading army. Besides, it was urged, it was setting light value upon the sufferings and privations of families driven from their homes—many of them now in ashes—their own hardships on

the retreat and exposure in camp without tents, poorly clad and scantily fed, and the blood of their murdered countrymen still red upon the earth where they fell. To such it would rob their victory of its glory.

The immediate execution of Santa Anna, so deadly an enemy, was prevented by the influence of men in the army, who, statesmen as well as soldiers, looked forward to the rank which they hoped to see Texas occupy, and the consideration that Santa Anna, their living prisoner, would be of more value in their negotiations for peace with Mexico than Santa Anna a dead Mexican; while above all was the chivalry and generosity of truly brave conquerors.

News of the battle reached President Burnet at Galveston on the 26th of April, soon after he had written General Houston, urging that if he should think a retreat from his present position inevitable, he should make Galveston the destination. Colonel Rusk, Secretary of War, who had been with the army some time previous to the battle, whose services General Houston acknowledged with enthusiasm, urged the President to repair immediately to the camp. He arrived with the only member of his cabinet who had remained with him, Bailey Hardeman, Secretary of the Treasury, on the 28th of April.

Santa Anna had been required by Houston and Rusk to agree to an armistice and to issue an order, dated April 22d, to Filisola to march his troops out of Texas, and to instruct Gaona and Urea to do the same. His order only required them to retire to San Antonio, where a portion of the army had been fortifying with great energy, and Urea to withdraw to Victoria. He added: "I have agreed with General Houston for an armistice until matters can be so regulated that the war shall cease forever."

The prisoners were sent with the President and his cabinet to Galveston. General Houston, on his way to New Orleans for medical aid, accompanied them on the *Yellowstone*, and,

for more ample accommodations, the government removed to Velasco, where the pending negotiations were perfected.

QUESTIONS.—How did the Texans form their line of battle ? How did the battle begin ? Describe the battle. What prophecy was fulfilled ? How was Santa Anna affected ? How long was the pursuit continued ? What were the events of the 22d of April ? What was the Texan loss ? Where was Houston wounded ? What was the Mexican loss ? Who were the distinguished prisoners ? What spoils were taken ? In what spirits were the two armies ? What did the Mexicans think of the fire which was built ? What now became the all-absorbing consideration ? What did Santa Anna style himself ? What was his wish ? What was the demand of many of the Texans ? How was the immediate execution of Santa Anna prevented ? When did news of the battle reach President Burnet ? What had Burnet urged ? What did Colonel Rusk urge ? When did Burnet arrive ? What had General Houston and Colonel Rusk required of Santa Anna ? To what place were the prisoners removed ?

CHAPTER XLII.

RESULTS OF THE BATTLE OF SAN JACINTO.

THE news of the battle and its results, made known by a fugitive officer, and confirmed by a captain of the Tampico regiment, saying : “The rout is complete, and the lives of all prisoners, officers, and men doubtful. They may all be shot as a reprisal for the Alamo and Goliad,” spread consternation through Filisola’s camp. The terrified soldiers prepared for immediate flight, although it was night. Those on the east side of the Brazos crossed by the light of a cotton-gin to which they set fire, and by morning all had crossed the river. On the 25th of April “Deaf” Smith overtook Filisola on the Bernard, twelve miles on his way west, and communicated to him Santa Anna’s orders. Smith found on their track abundant evidence of their panic in abandoned wagons, mules, horses, and sick soldiers.

Filisola had already recalled Gaona, and ordered him, with Urea, to meet him and General Woll at a place fifteen miles on their way to Victoria. In desperation, floundering through mud and water, they met at the rendezvous and held a hurried council. The commandant at Matagorda had retreated by sea

to Matamoras with his battalion, and without orders, and General Sesma was already fleeing west without orders.

Filisola, not fully comprehending the "armistice," despatched General Woll with a flag of truce to Houston's camp for further instructions. Under the peculiar circumstances General Woll was detained by General Houston, as his interview with Santa Anna had been unrestrained, and it was feared that the numbers and condition of the Texian army, reported to Filisola, might induce him to hazard another battle.

Filisola then ordered Urea to Matamoras, to "quell any disturbances that might arise in that quarter," and ordered Andrade to evacuate San Antonio at once, after destroying the fortifications, which they had been strengthening, taking with him all the supplies, guns, and ordnance that he could transport to the Rio Grande.

Not far from Goliad, Filisola was overtaken by Captains Ben Fort Smith and Henry Teal, commissioners from President Burnet and his cabinet, bearing their final treaty of May 14th, with Santa Anna, for ratification by himself and his aids, Amat and Tolsa, together with a private letter from Santa Anna, urging its fulfilment without delay.

Filisola and his staff made no delay in accepting the treaty. They continued their march under great difficulties, and crossed the Rio Grande in June, leaving some of their sick and wounded to die on the road.

The treaty was satisfactory, except the tenth article, which provided for the immediate transportation of Santa Anna to Vera Cruz, on a vessel of the Texas navy, with two of the cabinet, Lorenzo de Zavala and Bailey Hardeman, as commissioners to Mexico.

In the cabinet Mirabeau B. Lamar, then Secretary of War—General Rusk having been placed in command of the army in General Houston's place—opposed making any treaty, having no faith in Santa Anna as a party to it. He regarded him as a murderer, and said: "He should share the fate of murderers."

Lamar, a Georgian, knew personally many of the young Georgians shot at Goliad ; Robert Potter, Secretary of the Navy, thought the question demanded reconsideration, as he had learned that a Mr. Loving had been captured and killed, and that prisoners taken at San Patricio were to have been shot at Matamoras on the 21st. Their fate was yet unknown. In the cabinet council, in a heated debate of the question, Secretary Potter said : " Santa Anna and all his officers ought to be hung, and the private soldiers condemned to servitude for life." There was violent opposition from all quarters to Santa Anna's release.

In a written address to President David G. Burnet on the 21st of May, signed by several of the officers then on the Guadalupe, in which they charged him with indifference as to their still destitute condition, they said : " We have only neglect ; while Santa Anna is not only treated with all possible consideration, but, at the expense of this government, is to be returned in triumph to his own country." They felt keenly the fact that, as had been done after previous victories, the government had expressed no recognition of their services, no gratitude or admiration for their valor in gaining a victory which was to bring peace to the country and establish the independence of Texas.

On the other hand, it was believed that the execution of Santa Anna or any other Mexican officer, would compromise the recognition of the independence of Texas which they hoped now to obtain from the United States and other nations.

On the 1st of June, Santa Anna with his suite embarked on board the *Invincible*, with the two Texian commissioners, Hon. Bailey Hardeman and Santa Anna's former confidential friend, Lorenzo de Zavala, bound for Vera Cruz, where he expected to be recognized as still head of the army and of the nation, by the government *ad interim* of Mexico.

When it was known that the *Invincible*, with Santa Anna on board, was on the eve of sailing, opposition broke out into

fury. Groups of angry citizens hurried to Velasco, and demanded of the President that the prisoners should disembark, and be kept in custody until the coming Congress should decide his fate.

President Burnet replied to the address from the army in a dignified defence of himself and of his cabinet, who were all in the battle of San Jacinto but one member ; but seeing that the government was powerless to carry out this article of the treaty with Santa Anna, he sent commissioners on board the *Invincible* to inform him of the condition of affairs and to request his disembarkation. Santa Anna at first obstinately refused, but yielded at last, and was landed, under military escort, at Quintana, at the mouth of the Brazos, opposite Velasco. This was chiefly, indeed almost exclusively, the work of volunteers, strangers in the country, just arrived from New Orleans.

The cabinet threatened to resign, Vice-President Zavala tendered his resignation, but President Burnet's remonstrances saved the country at this critical moment from anarchy, although he had not escaped threats of personal violence.

In August, 1836, a plot to rescue the prisoner, by the Mexican Consul at New Orleans, was discovered, when he was placed in irons, more closely guarded, and finally removed to the plantation of Dr. J. A. E. Phelps, on the Brazos, above Columbia. When the first Congress of the Republic met in October, President Burnet had his fetters removed, but the Congress refused to pass a bill for his release, although his retention was of no value to Texas, his enemies being in the ascendancy in Mexico. After Congress adjourned in December, President Houston sent him and Almonte, at his own request, to President Andrew Jackson in the United States, who received him with the honors due to his former rank, and returned him to Vera Cruz on a government vessel. At Vera Cruz he met with no demonstrations of allegiance, and was

allowed to retire quietly to his *hacienda*, "Mango de Clavo," at the foot of the mountains, below Jalapa.

The other prisoners, among whom were General Cos and other officers, were removed from Galveston to Anahuac, August 16th, thence to Liberty, and, by petition of the inhabitants whose substance they were consuming, they were all released on the 25th of April, 1837.*

COMMISSIONERS TO THE UNITED STATES.

While Stephen F. Austin, William H. Wharton, and Dr. Branch T. Archer, commissioners appointed by the consultation to the United States, had successfully fulfilled their mission among the people of that country, in May, 1836, President Burnet had sent Peter W. Grayson and James Collinsworth commissioners, to ask of that Congress a recognition of the independence of Texas, and to represent the wish of the people to be annexed as a State of the Union.

Congress having adjourned, the commissioners could only present their petition to President Jackson. He sent Mr. Moffat to Texas, to make observations of the state of the country in all respects, and to make report of the same, which was done, and the report was favorable to annexation.

The commissioners, Austin, Wharton, and Archer, returned in June and made their report to the government. As the result of their labors many volunteers were now in Texas, and timely aid in other ways had been received; in addition, a deep interest in Texas generally had been awakened.

QUESTIONS.—What was the effect of the battle of San Jacinto on Filisola's camp? For what did they immediately prepare? What communication did "Deaf" Smith make to Filisola? What did Smith find on their line of retreat? What had Filisola already

* Thomas H. Benton, in the United States Senate, said: "Houston is the pupil of Jackson, and he is the first self-made general since the time of Mark Antony and the king Antigonus, who has taken the head of the army and the head of the government prisoner in battle. Different from Mark Antony, he has spared the life of his captive, though forfeited by every law, human and divine."

done ? What had the commandant at Matagorda done without orders ? Why was Woll despatched to Houston's camp ? Why was he detained in the Texan camp ? What were Filisola's orders to Urea ? To Andrade ? By whom was Filisola overtaken near Goliad ? What was their mission ? Did Filisola hesitate ? Was the treaty satisfactory to the Texans generally ? From what sources did opposition appear ? What gave acuteness to the opposition in the army ? What other view was taken of the question ? What occurred on the 1st of June ? What was the effect when it became known that Santa Anna had been allowed to leave ? What was done by the President ? How were the government officials affected ? What plot was discovered ? Did the first Congress favor his release ? What request did Santa Anna make of Houston ? Was he released ? How was he received by President Jackson ? How was he received at Vera Cruz ? Where did he go ? What became of the other Mexican prisoners ? What had President Burnet done in the preceding May ? What was the success of the commissioners ? When did the commissioners, Austin, Archer, and Wharton, return ?

CHAPTER XLIII.

THE ARMY.

GENERAL RUSK was in command of the army, which was much reduced in numbers after the battle. Men left whose term of service had expired, and volunteers, to look after their scattered families and to plant crops. There had been great exultation over the victory, but the destruction of property and homes, and the loss of many valuable lives, with the destitution that followed, brought a gloomy reaction. The army was, however, soon increased to upwards of two thousand by new recruits, chiefly from the United States. They were encamped in the region around and near Victoria.

While General Rusk and Colonel Burleson watched the retreat of the Mexicans on land, Major Isaac W. Burton, with twenty mounted men, was ordered to scour the coast and watch for Mexican craft that might make a landing for the purpose of communicating with the enemy. On the 2d of June a vessel appeared off Copano in the bay. Major Burton placed his men, "horse marines," in ambush, and at eight o'clock of the 3d signalled the vessel to send a boat ashore ; this was done, and the five Mexicans on board were made *prisoners*. *The boat was then manned by sixteen of Burton's*

men, who proceeded to take the vessel. She proved to be the *Watchman*, loaded with provisions for the Mexican army. They took their prize to Velasco, the then seat of government.

By the 17th of June, Burton had captured the *Comanche* and the *Fannie Butler*, both loaded with Mexican goods. The three prizes were valued at twenty-five thousand dollars. Early in April the *Invincible*, of eight guns, Captain Jeremiah Brown, after a two hours' fight, took the *Montezuma*, Captain Thompson of Anahuac fame, off Brazos, Santiago; afterward the brig *Pocket*, from New Orleans, bound for Matamoras. The *Brutus*, eight guns, Captain Hurd, and the *Independence*, eight guns, Captain Hawkins, also belonged to the Texas navy.



PORT ON THE BORDER.

To consider questions arising from these captures, President Burnet commissioned Benjamin C. Franklin judge of the District of Brazos, including Galveston, and clothed him with admiralty jurisdiction.

On the 1st of June, General Rusk, then with a portion of the army at Goliad, ordered that the bones of the men murdered at that place be collected and buried with the honors of war.

On the morning of the 3d of June the army was paraded within the fort, a procession was formed, with Colonel Sidney Sherman in command ; minute guns were fired, and they marched to the solemn strains of martial music to the grave, where the remains were deposited. General Rusk, personal friend and former neighbor of many of the dead in Georgia, in a brief address, recalled " the heroism of the brave band who had so nobly thrown themselves a barrier between the people of Texas and the legions of Santa Anna." When he dwelt for a moment upon the price of such a holocaust, the clenched teeth and quivering lips told that these men, five of whom had escaped the massacre, and now stood as " mourners," with " Remember Goliad !" for their war-cry, were ready for a repetition of San Jacinto. The next day General Andrade, marching from San Antonio to join Filisola at San Patricio, stopped before reaching Goliad, and asked permission for his army to pass along the Goliad road. General Rusk replied that should any portion of the Mexican army come within sight of his men he could not be responsible for the consequences. General Andrade thought it prudent, though laborious, to cut a road seven miles through the chapparal, to intersect the road from Goliad to San Patricio, and make a new crossing of the San Antonio River for their artillery and baggage.

Early in June, Filisola and Andrade crossed the Rio Grande with all the Mexican army, except the prisoners taken at San Jacinto, who, it will be remembered, were still in durance. General Rusk, with his command, returned to Victoria.

On the 9th of June, Captains Henry W. Karnes and Henry Teal, who had been sent commissioners to Matamoras under a flag of truce, but who were imprisoned there, despatched a letter stealthily to parties in Texas, saying that another invasion of Texas was in preparation, and the armies would be ready to move both by land and water in fifteen or twenty days.

It was known that Mexican emissaries had been among the *Cherokee Indians*, exciting them to hostilities in that quarter.

Domestic troubles of a serious nature demanded all the Mexican forces at home, and the presence of United States soldiers on the northeastern frontier, according to a treaty between that country and Mexico, requiring them to keep the Indians from hostilities, quieted the Indians.

The question as to occupation and subsistence for the still increasing army became serious, and a descent upon Matamoras by sea was recommended, not with the view of trying to hold the place, but to make reprisal in whatever way they could. The absence of necessary vessels caused this plan to be abandoned.

QUESTIONS.—What can you tell of the army at this time? What new service was ordered in May? What was the first prize? With what was she loaded? To what place was she taken? What other prizes were taken? What was their value? What prizes were taken in June? How was the court of admiralty improved? What occurred at Goliad on the 1st of June? What was done on the 3d of June? What did General Andrade ask? What was General Rusk's reply? What did Andrade do? When did Filisola cross the Rio Grande? What new trouble now threatened the country? What had become known in Texas? What prevented the threatened invasion? What question now became serious?

CHAPTER XLIV.

ORGANIZATION OF THE GOVERNMENT UNDER THE REPUBLIC.

THE constitution of the Republic fixed the time for the general election on the first Monday of September, and on the 23d of July President Burnet issued an order for the election of president, vice-president, and members of Congress. In addition, they were to vote on the ratification of the constitution, clothing Congress with the power of revising and amending the same, together with the annexation of Texas to the United States. Only the first and last received an affirmative vote.

Sam Houston was elected President and Mirabeau B. Lamar Vice-President. They were inaugurated on the 22d of October, 1836. General Stephen F. Austin was made Secretary of State;

Governor Henry Smith, Secretary of the Treasury; Thomas J. Rusk, Secretary of War; S. Rhoads Fisher, Secretary of the Navy; and James Pinkney Henderson, Attorney-General. William H. Wharton first, and afterwards Memucan Hunt, were sent to Washington to urge upon that government an acknowledgment of the independence of Texas. Congress met at Columbia, on the Brazos, on the 3d of October, 1836, and organized by electing



HOUSE IN WHICH THE FIRST CONGRESS MET AT COLUMBIA,
OCTOBER 3, 1836.

Richard Ellis of Red River President *pro tem.* of the Senate, and Ira Ingram Speaker of the House of Representatives.

In resigning the government *ad interim* of the new Republic, on

the 22d of October, President Burnet delivered an able and exhaustive message, reviewing the acts of his administration, and making such suggestions as the extraordinary condition of affairs justified. With Vice-President Zavala, and much of the time with but one member of the cabinet—others being in the army, as was also the vice-president—Burnet held the government together for seven most trying and eventful months, with little to encourage him but his faith in the final triumph of their cause.

The labors of this first Congress demanded the highest exercise of wisdom and prudence, involving the appointment of committees; the enactment of original, primary laws, affecting every feature of a free government under a written constitution; the rights of immigrants; to guard also those of soldiers, to whom bounty lands had been pledged for services; provide *protection from Indian depredations*; the army and navy to

provide for ; a financial system to construct ; and their enemies, the Mexicans, to watch.

Texas began as a republic, with a debt of about one and a quarter million of dollars, without public credit, and no resources but her lands. Her Anglo-American population was probably about forty-five thousand.

The consultation (1835), as a measure of precaution in the unsettled condition of the country, ordered the land office closed November 13, 1835, and Governor Smith succeeded in enforcing this order.

Congress provided for a board of land commissioners, and for a competent surveyor for every county, who should map out his work and furnish the results to the general land office.

On the 15th of November, 1836, at his residence on the San Jacinto, died the ex-Vice-President of the Republic, Lorenzo de Zavala,* aged fifty-five. Ever an advocate of republican government, a devoted friend of the country of his adoption, member of the consultation of 1835, of the provisional government the same year, signer of the declaration of independence, March 2, 1836—his death was universally lamented in Texas.

Congress adjourned on the 21st of December, 1836, to meet again in the newly laid out town of Houston on the first Monday in May, 1837.

At Columbia, on the 27th of December, 1836, died General Stephen Fuller Austin, the father of American civilization in



CAPITOL BUILDING AT HOUSTON, 1837.

* "Gentleman, patriot, and scholar."—LAMAR.

Texas, and Secretary of State of the Republic, aged forty-three. He died of pneumonia, contracted while writing in connection with his official position, in a cold room. His remains, followed by the officers of government and a large number of citizens, were placed on board the steamer *Yellowstone*, at Columbia, and conveyed to Peach Point, on the Brazos, twelve miles above its mouth, the residence of his sister, Mrs. Emily M. Perry. Here the procession was met by a portion of the first regiment of infantry, when suitable funeral honors were paid to the distinguished dead.

By order of government the army and navy were decked in the emblems of a nation's grief.*

After the death of Austin, James Pinkney Henderson became Secretary of State. When General Rusk became Secretary of War, General Felix Houston took command of the army. General Rusk soon resigned, and William S. Fisher became Secretary of War.

To avoid the confusion which would have followed at this time, the Congress, having organized counties, reserved the power of electing the county judges, surveyors, and boards of land commissioners charged with issuing land certificates, in all of which, fortunately, they made judicious selections.

The Republic was divided into four judicial districts—the Eastern, Shelby Corzain, judge; the Brazoria district, Benjamin C. Franklin, judge; Washington, Robert M. Williamson, judge; Western, James W. Robinson, judge. These, with Chief-Justice James Collingsworth, formed the supreme court.

* James H. Bell, in a eulogy of him, said: "His fame will grow as the State which he founded is destined to grow in prosperity and influence. And when the capital which bears his name shall have become a proud city, and when all the hills that rise around it, and the noble plains that spread out before it, shall wear the splendid and blooming aspect which the plastic hand of industry creates, then the name of the pioneer who opened the way for civilization and for social refinements to enter where all before was wild and rude and desolate will have been placed on the bright roll that bears to future *ages the names of the worthies of the past.*"

A prosecuting attorney for each district was also elected by this Congress. There were then twenty-three counties organized, and a judge elected for each.

THE INDEPENDENCE OF TEXAS ACKNOWLEDGED BY THE
UNITED STATES.

In a special message to Congress, after the arrival of Minister William H. Wharton in Washington, President Jackson favored the recognition of the independence of Texas by the United States. It met with much opposition in Congress; but on the 3d of March, 1837, the bill passed both houses by joint resolution, and was signed by President Jackson as his last official act.

President Houston sent Memucan Hunt to act in concert with William H. Wharton in urging the immediate annexation of Texas to the United States. The opposition to annexation was intense in the United States for political reasons, chiefly as increasing the slave territory, and adding strength to the agricultural districts in the West and South, as against the manufacturing interests in the East.

In 1838 President Houston, through Minister Doctor Anson Jones, formally withdrew the application for annexation, believing with many of her citizens that Texas could sustain herself as an independent republic.

THE TEXAS NAVY.

On the 13th of April, 1837, the *Independence*, having Minister William H. Wharton on board, on his return from Washington, and the *Julius Cæsar*, with a valuable cargo, about thirty miles off Velasco were attacked by the Mexican brigs *Libertador* and *Vencedor del Alamo*, and after a severe fight were captured and carried into Brazos Santiago. The prisoners were taken to Matamoras.

The Texians with the other naval vessels coasted down as far as Yucatan, landing, and burning several villages and captur-

ing a few small prizes. The *Invincible* captured the Mexican schooner *Arispe*, and the *Brutus* captured the *Telegraph*, loaded with Mexican goods from New Orleans. The *Invincible* and *Brutus* afterward captured a Mexican war schooner off the coast of Campeachy; this the *Brutus* brought over the bar at Galveston safely. The *Invincible*, failing to cross the bar at Galveston, was attacked the following morning by two Mexican brigs of war. The *Brutus*, in going out to her relief, ran aground. The *Invincible* fought both vessels until dark, when, in a disabled condition, she was wrecked in the breakers, her officers and crew escaping. The *Brutus* was wrecked in October, 1837.

On the 4th of November, 1837, the receiving-ship *Potomac* being the only remaining naval vessel, an act to increase the navy was passed. By contract with a Baltimore house one ship, two brigs, and three schooners were purchased the following year and sent to Galveston at different times.

QUESTIONS.—What did the constitution of the Republic provide with regard to elections? What additional questions were submitted to the people? Who was elected President? Who Vice-President? Who composed President Houston's cabinet? When did the Texas Congress meet? What was the mission of Wharton and Hunt to Washington? Who was speaker of the house? What was Burnet's message on the 22d of October? What were the labors of this Congress? What was the financial condition of the country? What was the condition of the land office? What remedy did Congress provide? What sad event occurred on the 15th of November, 1836? What can you tell of Zavala? When did Congress adjourn? When and where were they to meet next? When did Austin die? What was he called? What was his age? Give an account of his sickness and death. Give an account of his burial. Who succeeded Austin as Secretary of State? What powers did Congress assume? Into how many judicial districts was Texas divided? Who were the officers? Who favored the recognition of Texian independence? Who was minister to the United States from Texas? What was President Jackson's last official act? What was next urged upon the United States? What was the result of this application? What was done by President Houston in 1838? What occurred on the 18th of April, 1837? What was done by way of reprisal? What was the fate of the *Invincible* and the *Brutus*? What act of this Congress was passed, looking to the increase of the navy?

CHAPTER XLV.

INDIANS.

As the surveyors extended their labors into the wilderness, the roaming Indians were a source of annoyance and danger. President Burnet had organized a ranging service for protection against them, which Houston continued, and they had numerous encounters with the Indians. On the 7th of January, 1837, Lieutenant George B. Erath, with fourteen men and boys, fought one hundred Indians in Elm Creek Bottom, eight miles west of Cameron, killing fifteen Indians and losing two men, David Clark and Frank Childers. Lieutenant Wren fought and defeated a body of Indians near Austin, capturing their horses and losing one man.

Captain William M. Eastland made a campaign to the head of the Leon and returned down the Colorado. Twenty-five of his men, under Lieutenant Van Benthuyzen, continued across the country, and in Wise County had a fight with Indians, in which he lost Lieutenant Miles and eight men killed, and several wounded, with whom he escaped on foot, and, after much suffering, halting for two or three days where Dallas now stands, reached the settlements below. At different times in Lavaca County, Lyons, Nunley, Smothers, and Stiffler were killed, and a son of Mr. Lyons carried into captivity where he remained ten years. There were massacres on Cummin's Creek, in Fayette County. Mr. John G. Robinson, member of the first Congress, and his brother, visiting him from the United States, were both killed at that place, and there were massacres on the Trinity and other places.

In February, 1839, Mrs. Robert M. Coleman and one son were killed, about midway between Bastrop and Austin, and one son carried off. These Indians were pursued by Captain

* See "Indian Wars of Texas," by John Henry Brown.

Jacob Burleson and party ; his brother, Jonathan Burleson, was killed. Reënforced by his brother, Colonel Edward Burleson, a second fight occurred, resulting in a drawn battle and the death of three men, Edward Blakey, Rev. Mr. Gilleland, and John Walters, all citizens of Bastrop and vicinity.

Colonel Albert Sidney Johnston succeeded General Felix Huston in command of the army then on the Lavaca. The officers were often changing, by expiration of time, by resignations, and by new elections on the arrival of new companies from the United States. Regarding Texas as safe from invasion, while Mexico was involved in constant domestic strife, President Houston granted furloughs to companies until the army was reduced to six hundred men.

No European power had formally recognized the independence of Texas, but through the influence of Commissioner James Pinkney Henderson, England and France conceded to Texas belligerent rights, the right to take Mexican prizes into their ports, and, in 1840, both those nations recognized the independence of Texas through the combined efforts of J. Pinkney Henderson and General James Hamilton of South Carolina.

RENEWED INDIAN DEPREDACTIONS.

On the 10th of August, 1838, Captain Henry W. Karnes, with twenty-five men, on the Arroya Seco, west of San Antonio, was furiously assaulted by two hundred Camanches. He chose a defensive position and killed twenty Indians, when the remainder gave up the contest and left the field.

On the Rio Frio, west of San Antonio, the same year, a surveying party was attacked. Mr. Campbell, the surveyor, was killed and several men wounded.

On the 19th of October a surveying party at work seven miles west of San Antonio were attacked, and the surveyors, Jones and Lapham, were killed; and of a party going to their *relief, two were killed and several wounded.*

THE SURVEYOR'S FIGHT.

The surveyor's fight occurred in October, 1838. From nine o'clock in the morning until twelve at night, twenty-three men, from a ravine, fought several hundred Indians. Seventeen of the surveyors were killed, six escaped, three of them wounded.

On the night of January 1, 1839, at the residence of Mr. John Morgan, six miles above the present town of Marlin, George Morgan and wife, the wife of Jackson Morgan, Jackson Jones, and Miss Adeline Marlin were killed. Mrs. William Morgan was left for dead, but revived and escaped. Three children also escaped. Ten days later, seventy Indians attacked the houses, a few miles below, of John and Benjamin Marlin, who, assisted by two men, killed seven Indians and caused the remainder to flee.

What is known as Bryant's defeat soon followed. Forty-eight citizens, under Captain Benjamin Bryant, pursued these Indians to Morgan's Point, above Marlin. A fight took place in which Bryant lost ten men killed and five wounded. A disorderly retreat was the result.

In January, 1840, an entire party of thirteen men, escorting the family of Mr. Webster to their intended home in what is now Williamson County, was killed, and Mrs. Webster and child carried into captivity.

QUESTIONS.—What source of trouble had the surveyors in 1836? What precaution had Burnet taken in the same year? Had Houston continued it? What of Lieutenant Erath's fight? Of Lieutenant Wren? Give an account of Eastland's campaign. What other massacres can you mention? What occurred in February, 1839? Who succeeded Felix Houston in command of the army? What responsibility did President Houston assume? What were the foreign relations of Texas? What occurred to Captain Karnes in 1838? What took place on the Rio Frio? Describe the surveyor's fight. What occurred on the night of January, 1839? What occurred ten days later? Describe Bryant's defeat. What others can you mention?

CHAPTER XLVI.

LAMAR'S ADMINISTRATION.

A GENERAL election was held on the first Monday in September, 1838. General Houston being by provision of the con-

stitution ineligible to re-election, Mirabeau B. Lamar was elected President, and David G. Burnet Vice-President, their terms to continue three years, when they would be ineligible to reëlection. The third Congress assembled in Houston on the 5th of November, 1838, and the inauguration of Lamar and Burnet took place December 10th.



MIRABEAU B. LAMAR.

The Congress provided rangers for frontier protection. Fifty leagues of land were set apart for a university, and lands to each county for school purposes,

as recommended in Lamar's inaugural address. Friendly trade was inaugurated with Northern Mexico ; the land, judiciary, and probate laws were improved ; immigration encouraged ; and, as an increase of the navy, on June 27th, 1838, they received the schooner *San Jacinto*, in August the two schooners *San Antonio* and *San Bernard*, in October the brig *Colorado*, and later the steamship-of-war *Zavala*.

On the 17th of December, 1838, while a representative from *Brazoria*, Colonel John A. Wharton died. From his

first landing in the country, in 1829, he was a leader in every move that looked to the independence and glory of Texas—a brave soldier, an incorruptible patriot, a pure man, and one of the finest of American orators.

Vice-President Burnet, in his eulogy before Congress, said :
“The keenest blade on the field of San Jacinto is broken.”

After a session of two months and nineteen days Congress adjourned on the 24th of January, 1839. They had provided for the location, survey, and platting of the National Capital, to which, in honor of the “Father of Texas,” they gave the name of Austin. It was located in the pathway of the Indians in passing up and down and across the country. The men employed from its first location to its completion, and the reception of the government archives in October, were guarded by rangers. It has since been twice rechosen by popular vote as the capital of Texas. By the end of December it had fifteen hundred inhabitants.

The fourth Congress met in Austin on the first Monday in November, 1839. They established, with certain reservations, the common law of England as the rule of decision ; a law regulating the marital rights of husband and wife ; and the descent and distribution of property of persons dying without wills. They created two travelling boards of commissioners to visit each county seat, examine the records of the county boards, hear testimony, and decide the legality of every land certificate issued. This was a very important provision, and resulted in great good.

This Congress also passed a bill reserving from location the lands in the Cherokee country for sale as a basis of credit for the redemption of treasury notes, afterwards known as exchequer bills. The discussion of this bill called forth in its advocacy by General Houston, a member of this Congress, one of the most eloquent speeches of his life. They also enacted other laws connected with the public policy of the government.

President Lamar said the Cherokees and associate bands

had no legal or equitable right to lands, and the provisional government had taken for granted that their immigration was unsolicited and unauthorized. In truth they had drifted into the country and were a nucleus for disaffected Mexicans and bad people, and were always a menace to Texas. This ground was taken after these Indians were charged with murders and other outrages against the whites.

THE CORDOVA REBELLION—CHEROKEE WAR.

Lamar's administration was confronted by the Cordova Rebellion, begun in 1838, and by a general hostility among the Indians in all parts of the Republic.

Cordova and Flores, among the Cherokees in 1837, were emissaries under Filisola in Matamoras, and, after him, in 1838, under General Valentino Canalizo, with the purpose of joining in the war of extermination against Texas. On the 7th of August, in 1838, General Rusk learned that more than one hundred Mexicans, headed by Cordova, were camped on the west side of the Angelina River, and, on the 10th, that three hundred Indians had joined them. Rusk placed a small force at the lower crossing of that stream to intercept them. On the 10th President Houston, who was then in Nacogdoches, and had issued a proclamation to the insurgents, received a paper from them, with the signatures of nine of the leaders, disavowing allegiance to Texas, and claiming to be citizens of Mexico. On the same day Cordova moved to the wilderness of the Upper Trinity, while the great body of his followers dispersed. Cordova remained hidden in the wilderness until March, 1839, in constant communication with the Indians, who continued their depredations.

General Rusk, learning that the enemy were in force at the Kickapoo village, now in Anderson County, moved in that direction, and at daylight on the 16th of October, 1838, *attacked, and, after a short but hot engagement, charged*

upon them, when they fled, Rusk pursuing. Eleven warriors were killed and a large number wounded. General Rusk had eleven men wounded, but none killed.

On the 27th of February, 1839, Canalizo repeated to Cordova the pledges and instructions that had been made through Flores to the Indians in 1838, to continue their depredations upon the whites. At the same time he enjoined upon them to keep at a distance from the United States frontier.

CORDOVA'S DEFEAT.

Cordova left his retreat on the Upper Trinity in March, 1839, with an escort of seventy-five Mexicans, Indians, and negroes, to visit Matamoras and confer personally with Canalizo and Flores on the affairs of Texas. On the 26th his camp was discovered at the foot of the mountains, a short distance north of Austin. News of this was speedily conveyed to Colonel Edward Burleson, then at his home in Bastrop. With eighty of his Colorado neighbors he started to intercept him in his western march. Having found his trail, the pursuers travelled rapidly until late in the afternoon of the 29th, when the scouts discovered the camp about six miles southeast of Seguin. Cordova promptly formed his men, and the opposing parties fought from behind trees until the moment for which Colonel Burleson was watching arrived, when he ordered a charge. This was followed by a flight and pursuit, when, at twilight, Cordova disappeared in the Guadalupe Bottom. He lost over one-third of his men. Burleson had none killed, but several wounded. Having crossed the Guadalupe, where now stands New Braunfels, Cordova passed north of San Antonio, previously encountering a scouting party of Captain Mathew Caldwell's rangers, and wounding three of them dangerously. Caldwell pursued as far as the Nueces, but Cordova escaped across the Rio Grande.

DEATH OF MANUEL FLORES.

Late in April, 1839, Flores left Matamoras to meet Cordova and the Indian tribes in a general conference, wherever they were to be found. He had an escort of thirty Mexicans and Indians, a mule train of supplies for himself and his allies, and papers containing strong inducements for the Indians to join them in recovering the country. Flores was discovered, not far above where Austin was laid out later in that year, by Lieutenant James O. Rice, with seventeen rangers, who overtook them on Brushy Creek, in the edge of Williamson County. Rice and his men charged furiously, throwing the Mexicans into confusion and flight. Flores and two of his men were killed, and nearly one-half were wounded. Lieutenant Rice captured and carried to headquarters one hundred horses and mules, three hundred pounds of powder, a large amount of lead, shot, balls, etc., which were to have been distributed among the Indians. He also captured the correspondence which betrayed their designs.

President Lamar framed his Indian policy in view of the necessity of thwarting the designs of the Mexicans and Indians. Consequently he resolved on the removal of the Cherokees and their associate bands from east Texas, and their return to their kindred tribes west of Arkansas, by peaceful negotiations if possible, but by force if necessary. He wished to compensate them for their improvements and other losses. The commissioners appointed by Lamar repaired to the rendezvous, and, after three days' negotiation, terms were verbally agreed upon; but when the time came, two days later, for signing the treaty, the Indians did not appear. Their chief, Bowles, had only wished to gain time for assembling his warriors, and as they did not arrive, he moved northerly to meet them.

To provide for this contingency President Lamar had ordered Colonel Edward Burleson, with a body of regulars *from the west*, and two companies of rangers under Major

William J. Jones, and a considerable body of militia from the east, to be on the ground, besides a force of volunteer citizens under General Rusk. There were two severe engagements on the 16th and 17th of July; on the latter Chief Bowles was killed and the Indians were driven into the dense forests of the Neches with heavy loss of life. The larger portion of the defeated Indians, passing through the wilderness, sought refuge among their kindred west of Arkansas; but a considerable number under John Bowles Jr., and "The Egg," halted on the Upper Trinity until later in the fall, when they attempted to reach Mexico. At that time Colonel Burleson, in command of regulars and volunteers, was on an expedition up the Colorado. He discovered them encamped on the west bank of the river, just below the mouth of the San Saba, and on Christmas Day, 1839, attacked them, killing, among others, both John Bowles and "The Egg," capturing twenty-seven women and children, who were returned to the Cherokee nation, and scattering the remainder in wild confusion. Thus ended the Cherokee war. The stern necessity of self-preservation was urged in justification of this course, and was strengthened by the adage, "Advancing civilization asserts its mastery, first by subduing and then by cultivating."

QUESTIONS.—What election took place in 1838? Who were elected? What was done during Lamar's administration? Who died December 17, 1838? What did Burnet say of him? What important provision did this Congress make? When did it adjourn? Where was Austin located? When did the fourth Congress meet? What did it accomplish? What other bill was passed during this Congress? What did the discussion of this bill call forth? What did Lamar say of the Indian rights to lands? What existing troubles confronted Lamar's administration? What did General Rusk learn on the 7th day of August? What on the 10th? What communication did General Houston receive from the Mexicans on the 10th? What move did Cordova make on the same day? Why was he there? What move did Rusk make? What was done by Canalizo? Give an account of what occurred on the 26th. How did Cordova escape? Give an account of the last adventures of Flores. What were the spoils of this victory? What can you tell of Lamar's Indian policy? With what result was a treaty attempted? How had Lamar provided for this contingency? When were the engagements? Describe them. What justification was claimed for this course towards the Indians?

CHAPTER XLVII.

REPUBLIC OF THE RIO GRANDE.

THE Federalists in Northern Mexico, with the view of establishing the Republic of the Rio Grande north of the Sierra Madre Mountains, as against a military despotism then ruling Mexico, made an appeal to the chivalry of Texas to come to their aid. Canales, a Mexican lawyer, was the leader of the movement.

About three hundred Texians responded, with Colonel Reuben Ross as their commander. These united with a body of Mexicans commanded by Colonel Zapata, an impetuous and chivalrous border chief. On the 3d of October, 1839, these combined forces, about twelve miles from Mier, at Alcantra, met and fought a superior Centralist force under Colonel Pabon; a long and bloody conflict ensued, which resulted in the defeat of Pabon, after which most of the Texians returned home. The following winter the Republic of the Rio Grande was formed at Guerrero, with José Jesus Cardenas president, and Licentiate A. Canales military chief. These, with J. M. J. Carbajal, son-in-law of De Leon, former *empresario* at Victoria, and other leaders, sought alliance with the government of Texas, through President Lamar, against Mexico.

While the President sympathized with their wishes he could do nothing without compromising the then existing negotiations with Great Britain, by which Texas hoped for the recognition of her independence by Mexico—a most signal failure, fortunately for Texas,*—besides having in contemplation a direct overture to Mexico herself, a failure also.

The project was not abandoned. Late in the following summer, 1840, about three hundred Texians went to the Rio Grande as allies of General Canales. Colonel William S.

* See "General History of Texas," by John Henry Brown.

Fisher, Captain S. W. Jordan, and Juan N. Seguin commanded these volunteers under Canales as chief.

Captain S. W. Jordan with one hundred and twelve men, and a Mexican force under Juan Molano, were sent in advance to the interior. The route on which Captain Jordan followed the Mexicans led so circuitously as to arouse his suspicions of treachery. This was developed when, on the 23d of October, near Saltillo, they were suddenly confronted by more than one thousand Mexican Centralists under Vasquez, with several pieces of artillery. Soon lines of battle were formed, when, with "*Vivas to Mexico!*" and "*Death to the Texians!*" the Mexican officers and most of the men deserted Jordan and joined themselves to Vasquez. Captain Jordan, having been on the alert, quickly selected a position behind a solid stone wall, which the Mexicans assaulted time after time in vain. When night came, four hundred Mexicans lay dead. Captain Jordan lost five men killed and seven wounded.

The following night Jordan and his one hundred and seven men commenced a retreat, across almost impassable mountains, towards the Rio Grande, three hundred miles away, carrying their wounded men, pursued by ten times their number, through towns and villages, and fired upon by the Mexicans with their long-range guns. Every man of the one hundred and seven reached and crossed the Rio Grande into Texas. "As the Alamo to Thermopylæ, is Jordan's retreat to that of Xenophon." Canales after this capitulated to Arista; Colonel Fisher and the Texians with him were allowed, unmolested, to return to Texas.

THE COUNCIL HOUSE FIGHT.

The Comanches, ever treacherous, had in 1837 made a visit to General Houston, received presents, and committed depredations on their return to their villages and ever since. It was now proposed that they should come in to San Antonio, make a treaty, give up their prisoners, and receive presents.

They came in March 19th, bringing but one prisoner, Matilda Lockhart, captured in De Witt County in October, 1838, and through her it was learned that they had others. There were twelve chiefs and warriors in the hall. The Texians had two companies of regulars, part of whom were in the hall.

The Indians were assured that they would be held as hostages for the safe delivery of all the Texian prisoners; that they could send their young men to bring them in. Sentinels were placed at the door and soldiers across the room in a line. One of the chiefs sprang to the door, and, meeting with resistance, stabbed the sentinel. The chief made a rush for the door, where Captain George T. Howard had an encounter with him and received a stab, when he ordered his men to fire. The shot took effect, the Indian was killed. Then a desperate fight began, in which the twelve chiefs were killed.

The Indian warriors in the yard attacked the company outside, fighting with desperation. Their arrows, wherever they struck, were driven to the feather. Seven Texians were killed and eight wounded; of the Indians thirty-five were killed and twenty-nine women and children taken prisoners. These were soon after exchanged for captives which the Comanches held, after which they fled wildly to their homes.

General Canalizo took advantage of this unfortunate encounter to inflame anew the hostility of the Indians, and a general invasion of the country was projected. This resulted in their murderous raid down the country to the coast, the burning of Linnville, and the battle of Plum Creek.

On the 5th of August, 1840, a band, chiefly Comanches and Kiowas, but including also many lawless Mexicans and Indians from some of the more civilized tribes, passed down the country, sixteen miles east of Gonzales, directly *en route* for Victoria. On the afternoon of the 6th they suddenly appeared in the vicinity of Victoria, having already killed several

persons. They then made a feint upon the town, killing others, and capturing that afternoon and next day about two thousand horses.

The people deserted their homes and "forted up" in the strongest houses. The Indians camped for the night on Spring Creek. The next day they again entered the town, killing two persons and robbing the deserted houses. They passed nine miles down the Guadalupe Valley and captured Mrs. Crosby and child, grand-daughter of Daniel Boone, and turned obliquely for Linnville, two and a half miles above the present town of Lavaca, on the bay, killing several persons on the way.

The people of Linnville were taken by surprise, and were without means of defence. They rushed, wading through shallow water, to a number of small boats about two hundred yards from shore, and pushed out into deep water.

Major H. O. Watts was killed, and his wife, negro woman, and a son of the latter, were taken prisoners. The Indians then robbed the warehouses, which contained a large amount of goods for the Mexican trade, hastily loaded their horses and mules, and, burning the houses, began their triumphant return. They passed sixteen miles east of Victoria, intersecting their downward trail about twenty-five miles north of that place.

On the 9th, about eleven o'clock, A.M., they encountered one hundred and twenty-five hastily collected volunteers, with Captains J. J. Tumlinson, Ben. McCulloch, and Adam Zumwalt. There was light skirmishing, which resulted in one being killed on each side, when, on disagreeing as to making a charge, Captain Ben. McCulloch, with three companions, left and hastened to Gonzales, hoping to find men ready to intercept and fight the Indians. The trail of the Indians was followed by a company from Texana, and one hundred men from the *Colorado*, under Colonel John H. Moore.

BATTLE OF PLUM CREEK.

On the night of August 11th twenty-one volunteers from Jackson County, under Captain Lafayette Ward; sixty-six from Gonzales and Seguin, including Ben. McCulloch and his three friends, under Captains Matthew Caldwell and James Bird, met on Plum Creek, near the trail of the Indians. At the same time General Felix Huston of the militia arrived. Early on the morning of the 12th Colonel Edward Burleson, with eighty-seven volunteers and thirteen Toncawha Indians, from Bastrop County, joined them. By courtesy Felix Huston was invited to take chief command. Huston ordered an advance toward the enemy, who appeared in sight upon the plain, which was made in two columns, one under Burleson, and one under Caldwell, both, as were also Ben. and Henry E. McCulloch, experienced Indian fighters, as were many others of the volunteers, while General Felix Huston was unacquainted with Indian modes of warfare. Half the Indians dismounted in a point of timber. Huston dismounted his men within gunshot of the Indians, who, with their long-range, Mexican guns, had greatly the advantage, and wounded several men and quite a number of horses during the half-hour in which this mode of warfare was continued. At last, yielding to advice, Huston ordered a charge, which was made with a rush into the midst of the Indians, who fled, scattering in squads, as was their custom. All order was lost, and men pursued and fought the Indians wherever they could overtake them. The pursuit was kept up ten or twelve miles. The Indians abandoned their stolen horses and goods, which were partially recovered. Eighty-six Indians were killed and many wounded. Mrs. Crosby was killed by the retreating Indians, who had previously murdered her child. The other prisoners, Mrs. Watts, her servant woman, both badly wounded, and a son of the latter, were recovered. About three o'clock, just after *camping*, they were joined by Colonel Moore with about one

hundred and fifty men, including Captain Clark L. Owen of Texana, who had followed the trail, and were much chagrined not to have aided in chastising the Indians.

QUESTIONS.—What appeal came from Mexico to the Texans in 1839? How was this appeal met? What occurred on the 3d of October, 1839? What was formed in the winter? How did Lamar meet the proposition? Was the project abandoned? Relate the events which followed. How did Captain Jordan and his men escape? What was said of this retreat? What led to the Council House fight? Of what were the Indians assured? Describe the fight. Describe the fight in the yard. What advantage was taken of this most unexpected event? In what did it result? Give the details of their raid. What precautions did the people take? What were the next Indian depredations? Give the details of the taking of Linnville. Whom did they encounter on the 9th? Who continued on their trail? What seeming accident brought the men together who fought the battle of Plum Creek? What occurred early the next morning? Describe his order of battle. What was the consequence? What change was then made? Who arrived upon the scene a few hours after the battle?

CHAPTER XLVIII.

NORTH-EAST BOUNDARY LINE BETWEEN TEXAS AND THE UNITED STATES.

THE boundary line between the United States and Texas, as defined by treaty between Spain and the United States, February 22, 1819, and ratified by Mexico, April 5, 1832, in 1840–41 was run and marked, by a joint commission, from latitude 32° on the Sabine, due north to Red River. This threw into Texas quite a number of people previously supposed to be east of the line, either in Louisiana or Arkansas.

The boundary followed the Sabine to latitude 32° , thence north to Red River, thence up Red River to longitude 100° , thence due north to the Arkansas, and up that stream to its source, etc.

Late in 1840, through the negotiations of James Pinkney Henderson and General James Hamilton, the independence of Texas was acknowledged by England, France, and Belgium.

The fifth Congress assembled in Austin, December 13, 1840. President Lamar was temporarily absent on account of ill health, and Vice-President Burnet was acting President.

Governor Henry Smith and General Sam Houston were members of this Congress, with other men of ability and experience in legislative affairs in both the United States and Texas. Several members of the fourth Congress were re-elected.

A bill of startling import, called the "Franco-Texiene Land Bill," was introduced into this Congress. It proposed to grant to a French company three million acres of land in different parts of the Republic, chiefly on the water-courses. They were privileged to import all articles, including goods for the Mexican trade, free of duty for twenty years, and to pay no *ad valorem* tax for nine years.

The French were to locate eight thousand immigrants on the lands by 1849, to establish and keep in repair a line of twenty military posts for twenty years, to extend from Red River, above the "Cross Timbers," to the Rio Grande. The dazzling feature of this bill was in the business and capital which would be brought to the Republic. But such an outcry of opposition was heard from all quarters, that the bill was not seriously urged.

The valueless currency of the country was the subject of much discussion, and the further issue of treasury notes was condemned, but this was finally continued until one dollar was worth but ten cents; yet the session passed without producing a remedy.

THE SANTA FÉ EXPEDITION.

By act of the first Congress of Texas, in 1836, the Rio Grande was made the western boundary of the Republic. Santa Fé, east of that stream, contained a considerable population, chiefly Mexican, but with several other nationalities represented, among whom were American traders. These were isolated by twelve hundred miles from the Mexican capital, and by four hundred miles, partly a desert, from Paso del Norte, the nearest considerable place in the direction of *that capital*.

Since 1823 Santa Fé had carried on a considerable trade with Northern Mexico, through caravans of wagons making annual trips to Missouri, paying gold and silver in return for goods. Lamar's object in the Santa Fé expedition was, by means peaceful and commercial, to extend the jurisdiction of Texas over Santa Fé and that part of New Mexico lying east of the Rio Grande, divert the trade from Missouri, and bring the precious metals to the relief of Texas.

In the spring of 1840 several American settlers of Santa Fé visited the President and urged some measure of relief to the people ruled over by Mexican governors and other officials selected from a few families, who were enriching themselves and consuming the substance of the people.

Congress failed to provide for the expedition, and Lamar resolved to undertake its execution on his own responsibility. Proclamations of the peaceful objects of the expedition, printed in the Spanish language, were to be distributed among the inhabitants, and the opportunity tendered them of living under the peaceful laws of Texas. Commercial men with stocks of goods were invited to join, and a sufficient number of armed men for protection against Indians and for hunting were furnished, and three commissioners charged with the duty and clothed with authority to negotiate terms or any treaty that should be agreed upon between the two parties.

The commissioners were Don José Antonio Navarro, a Mexican and true and tried friend of Texas; Colonel Wm. G. Cooke, a man of experience, honor, and courage; and Dr. Richard F. Brenham, a gallant son of Kentucky. Their secretary was George Van Ness, a younger brother of the orator and legislator, Cornelius Van Ness. Among the amateurs who went for pleasure were George Wilkins Kendall of the *New Orleans Picayune*, who afterwards published a full account of the expedition; also Frank, a son of General Leslie Coombes of Lexington, Kentucky, and others. There were one hundred and seventy armed men, commanded by General

Hugh McLeod, divided into three companies under Captains Matthew Caldwell, — Houghton, and Wm. P. Lewis of the artillery. They had wagons drawn by oxen, and also animals for beef, with Lipan Indians promised as guides.

They left their rendezvous on Brushy Creek, about fifteen miles above Austin, on the 21st of June, 1841. The Lipan guides did not join them.

On the 11th of August they were about eighty miles from San Miguel, after travelling three hundred miles out of their way, constantly menaced by Indians and worn down with fatigue, watching, and starvation. Mr. Kendall writes: "Every tortoise and snake and lizard, and every living thing, was devoured with rapacity."

Three men were sent forward to San Miguel to obtain provisions and ascertain in what spirit the expedition would be received; the main body following wearily on, over a broken country.

On the 11th of September a party in advance met a small company of Mexican traders who informed them that the governor of Santa Fé, Armijo, had stirred up a violent opposition to the expedition, proclaiming that "the Texians were coming to burn, slay, and destroy," and that the three men whom they had sent forward were now imprisoned in Santa Fé.

The Mexican traders guided the Texians, by a short route, to a sheep ranch on the Rio Gallinas, where they obtained all the mutton they wished. The shepherds confirmed the report of the traders. On the following morning, September 14th, this party sent forward five of their number to San Miguel, with a carefully written letter to the alcalde, announcing their approach, and bearing the proclamation of President Lamar; adding, that, if the inhabitants were opposed to the measures, the Texians would in a peaceable manner return to their homes.

This party failed to send back to General McLeod the

reports which had been confirmed to them of the enmity of the governor and people. Mr. Howland, one of the three imprisoned men, an American settler of Santa Fé, who had urged the expedition upon President Lamar, endeavored to escape in order to send warning to those who were approaching toward a similar fate, when he was retaken and shot.

The second commissioners were met by a body of Mexicans, led by Salazar. They were dismounted and hurried forward to San Miguel. About sunset they were met by Governor Armijo, with six hundred men, who, pretending friendship, asked who they were. William P. Lewis answered that they were merchants from the United States. George Van Ness indignantly interposed, answering that they were all Texians, excepting Mr. Kendall and Coombes. The uniform of Lewis, decorated with the lone star, and "Texas" on the collar, betrayed him ; but, as he spoke Spanish well, he was immediately taken into Armijo's employ as interpreter, and mounted, while his four companions were marched on foot to San Miguel, arriving there in time to witness the execution of the two remaining men of the first commission.

Colonel William G. Cooke, with ninety-four of the men, having been misled by the friendly report brought to him, found himself surrounded on the 17th by the force under Armijo. Cooke was preparing for battle when Lewis approached, bearing a white flag, with the assurance from Armijo, that if they would consent to be disarmed, in eight days their arms should be restored and they be at liberty. They consented, were disarmed, and betrayed. They were tied in pairs, and marched on foot to Santa Fé.

Armijo then went back and met General McLeod with his men on the Laguna Colorado, about thirty miles from the Galinas. Weakened by starvation, they readily yielded to promises of kind treatment, surrendered, and were immediately tied and started for Santa Fé, reaching San Miguel on the 12th of October. Armijo seized the merchandise, which he divided

liberally with Lewis as a reward for his treachery, besides a highly commendatory letter to Governor Condé of Chihuahua, at which place he located as a trader.

On the 17th of October the prisoners left Santa Fé for the City of Mexico under charge of the brutal Salazar. Some of them died on the way, whose ears were cut off as proof that they had not been allowed to escape. A change in the leader at El Paso was greatly to their advantage, and at Chihuahua they were treated with kindness, the people giving them food and clothing. In the City of Mexico they were imprisoned until July, 1842, when General Waddy Thompson of South Carolina, United States Minister to Mexico, procured their release, and sent them to Vera Cruz, whence they all returned to Texas, excepting Don José Antonio Navarro, who, being a Mexican, suffered the penalty of confinement in the castle of San Juan de Ulloa until 1844. The unhappy termination of this well-meant expedition awakened in the United States a decided sentiment in favor of Texas and against Mexico.

Mr. Kendall wrote, in 1843 : "Not a doubt can exist that they [the citizens of Santa Fé] are and were all anxious to throw off the oppressive yoke of Armijo and come under the liberal institutions of Texas ; but the governor found us divided into small parties, broken down by long marches, and out of food ; discovered, too, a traitor among us ; and, taking advantage of these circumstances, his course was plain and the conquest easy." The failure, however, and the debt incurred, fell heavily upon the administration.

QUESTIONS.—When was the boundary line established between the United States and Texas ? When was it ratified by Mexico ? When was the line run and marked ? How was it run ? Describe it. What advantage was it to Texas ? What other event of importance took place in 1840 ? When did the fifth Congress assemble ? Who composed it ? What remarkable bill was introduced into this Congress ? What were the French to do on their part ? What other important question engaged their attention ? By what right did Texas claim Santa Fé ? How was Santa Fé situated ? How was the trade of Santa Fé carried on ? What had been communicated to the President in the spring of 1840 ? What were the plans for the expedition ? Who were the three commissioners, and *who the commander ? Who else accompanied them ? What was the military force ?*

When and from what point did they start? Where were they on August 11th? What was now done? What occurred on the 11th of September? What assistance did the Mexican traders render the Texians? What was done on the morning of September 14th? What mistake did this advance party make? What was the fate of the second five commissioners? What revealed Lewis as a traitor? What of Colonel Cooke? What was Armijo's next movement? What was the fate of the Santa Fé prisoners? When the story of their suffering became known in the United States, what was the result?

CHAPTER XLIX.

HOUSTON'S SECOND ADMINISTRATION.

IN the election for President in September, 1841, the sections of the country were divided; General Sam Houston and Vice-President Burnet were opposing candidates. Burnet's vice-presidency was burdened with the disasters of the Santa Fé expedition and the continued issue and depreciation of the currency, while the west and border settlements objected to General Houston's treaty-making policy with the Indians.

General Houston was elected President by a large majority, and General Edward Burleson Vice-President. Congress met November 1st, and they were inaugurated December 3, 1841.

The public debt had been accumulating since 1836, and, including the purchase of the naval vessels, it now amounted to upwards of ten million dollars.

President Houston favored a pacific policy toward the Indians, a policy strictly defensive toward Mexico, and an economical administration of the government.

The condition of the Republic was, on the whole, encouraging. The Independence of Texas had been acknowledged by England, France, Belgium, Holland, and the United States. Commercial relations were established with these powers, and a trade, of which her cotton was the basis, was growing up. Texas had representatives at these foreign courts, and also in the United States.

As measures of economy, President Houston virtually disbanded the army and navy, restricted the number of officials

to those of strict necessity, and reduced the salaries of those retained ; recommended a reduction of one-half the State tax, and that it be paid in gold, silver, or convertible paper, and to rely upon impost duties as a source of revenue. These recommendations were but partially adopted.

To supply a currency the President proposed a new issue of paper money to the amount of not more than three hundred and fifty thousand dollars, to be based on one million acres of lands lying in the late Cherokee country, and reserved for that purpose, and thus Texas would be protected against those ruinous loans which had been previously sought.

Santa Anna, having been declared Dictator the year before (1841), following a revolution in Mexico, proclaimed a vigorous renewal of the war against Texas. The Texas Congress, anxious to send an expedition into Mexico, with President Houston in command, passed a bill to that effect. To their intense disappointment, the President vetoed the bill for constitutional reasons, and as of doubtful expediency, even if they were sure of a conquest, in consideration of the hope of annexation to the United States at some time, which country was on friendly terms with Mexico.

The question of annexation had been quietly gaining in popularity in the United States since Texas withdrew the proposition in October, 1838 ; and the question was revived in January, 1843, when Vice-President Tyler was filling the executive office made vacant by the death of William H. Harrison. Tyler would have acted immediately, but his Senate was opposed to annexation, and so the matter ended for that time.

The citizens of Texas, relieved from camp life and constant military calls, were glad to devote themselves to repairing their losses and redeeming the time spent in war ; there was a feeling of security, few believing that Santa Anna would again risk an invasion of Texas. Immigration, though not rapid, *was constant*; and the religious, educational, and social interests

of the somewhat scattered communities were hand in hand with peace and industry. It was the "calm before the storm."

The few Texians in San Antonio were warned, late in February, 1842, by some friendly Mexican women, that a force under Vasquez was collecting beyond the Rio Grande to march upon that city. They immediately organized, electing as captain John C. Hays (Jack Hays), a bold and successful ranger. Volunteers arrived from the Lavaca and Guadalupe under Captain James H. Callahan, and from the Quero settlement under Captain Friar, in all one hundred and seven men. Scouting parties were sent out to watch the approach of the enemy.

After being fired upon by Mexican scouts in ambush, they discovered that the bluffs on the west side of Leon Creek were illuminated by a hundred camp-fires. A man and boy—Kendrick and John Henry Brown—volunteered to advance near enough to ascertain their numbers. These estimated their numbers at from twelve hundred to fourteen hundred men. Other scouts, Ben McCulloch, Alsey S. Miller, Michael Chevalie, and Dunn, were still farther west. The next morning Captain Hays ordered out a party to watch the motions of the enemy. Seeing the whole army approaching, the scouts diverged to the right and passed around them, firing an occasional shot. As they reached the road on their return, Vasquez sent Colonel Carrosco, a Mexican officer whom they knew and respected, with a flag of truce to demand a surrender of San Antonio.

The scouts conducted the officer to Captain Hays' headquarters, where he renewed his demand, and added that Vasquez had fourteen hundred men, and that several thousand were on the way to join him. It was the morning of the 6th of March, the sixth anniversary of the "fall of the Alamo." The Texians required until two o'clock, P.M., to prepare their answer, and Carrosco returned to his command. The question, "Fight or retreat?" being put, fifty-three were for fight, and fifty-four for retreat. Immediate preparations were made

for the retreat. They threw into the river three hundred and twenty-seven kegs of powder, first knocking in the heads. An American merchant of the city, John Twohig by name, arranged slow matches reaching to his own store of powder, setting fire to them as they left. As the rear guard of the Texians left the Plaza the Mexicans entered on the opposite side, their band playing a triumphant march, with flying banners. A number of them made a rush for the American storehouse, reaching it at the instant of the explosion of the gunpowder, and were, some of them, blown to fragments.

The Texians retreated slowly and in good order, and established a rendezvous at Flores' ranch, opposite Seguin, on the Guadalupe. The Mexicans took immediate possession, hoisted their national banner, appointed all the civil officers for municipal government, and placed San Antonio under Mexican rule, civil and military ; but for some unexplained reason they remained in the town but two days, when they left, accompanied by several Mexican families, who took their movable property with them, and the soldiers appropriated everything that could be carried off in carts and wagons.

A body of Mexicans, acting in concert with Vasquez, made a feint upon Goliad and Refugio, seized a number of prisoners and disappeared. The Texians who had gone to meet them, chiefly from Jackson, Victoria, Matagorda, and Brazoria Counties, under Colonel Clark L. Owen, returned home ; not, however, without a skirmish with Indians, in which they recaptured two children whose parents had been killed.

Nearly every family on the Guadalupe and Lavaca Rivers left their homes. Messengers from the army reassured them, and most of them halted, while many returned to their homes.

In the meantime nearly two thousand citizen soldiers had hastened to San Antonio, but too late to strike a blow at the invaders. They camped near the city ; General Burleson was with them, but his duties as Vice-President forbade his remaining *their leader*. He disbanded them April 2d, but there was

great anxiety in the minds of thoughtful men. Prominent men, irrespective of party, and of official authority, held earnest consultations on the state of affairs. No decisive measures were taken, and the citizen soldiers returned home, excepting the scouts still under Jack Hays west of San Antonio.

In 1842, in consequence of this invasion, President Houston removed the seat of government from Austin to Houston. This had a depressing effect, and called forth bitter denunciations of the President's course. The disastrous termination of the Santa Fé expedition rested like a nightmare upon many portions of the Republic. There was scarcely a neighborhood that had not one or more worthy citizens involved in the disaster, either killed or still held in prison in Mexico. In June, 1842, President Houston called Congress together in extra session at Houston. They again passed a bill providing for raising an army to invade Mexico. The President vetoed the bill, urging the impossibility of raising and sustaining an army of invasion without money, which Congress did not provide. He reminded Congress of the disasters that befell Texas from a similar attempt in 1835-36. This raised a great clamor against President Houston, chiefly in the West, while others were as warm in his defence.*

It was known by President Houston that the United States intended to propose mediation between Texas and Mexico, urging an early cessation of hostilities, as Great Britain had done. All failed, however, by the refusal on the part of Mexico.

President Houston had sent agents to the United States to appeal for aid in repelling a threatened Mexican invasion. Several hundred arrived at Corpus Christi, as directed, and proceeded to Lipantitlan, on the Nueces, to report to General

* General Andrew Jackson wrote President Houston, August 17, 1842: "If you had not vetoed this bill it would have led to the destruction of your country. Your true policy is to act on the defensive."

James Davis who was posted west of that river by order of the President.

They were inactive until the 7th of July, when a small force was attacked by seven hundred Mexican troops under General Canales. They charged furiously upon the brush tents which the Texians had abandoned for another position. A fight began which was closed when a shot from a Texian (Ferguson) killed a leading Mexican officer, when they retired. The men under Davis were soon all disbanded, excepting a company of cow-boys under command of the brave Captain Ervin Cameron.

QUESTIONS.—What were the issues of the election of September, 1841? How had the Vice-President's responsibility been increased? What was the result of the election? What was the public debt of the Republic? What was President Houston's first policy? What were now the foreign relations of Texas? What were Houston's methods of economizing? How did he propose to supply the currency? In what way was his Mexican policy counteracted? What was done with the bill? How was the question of annexation regarded in the United States? What was the disposition of the citizens? How were the people of San Antonio warned of an intended invasion of Texas? How did the Texians prepare to meet it? What did the scouts discover? What did Captain Hays order? What did they discover? What did Vasquez demand? What was the anniversary? How was the question settled? What occurred as the Mexicans entered the town? How did the Texians retreat? Where did they camp? What was done by the Mexicans in San Antonio? What was done at Goliad and Refugio? What was the effect of these raids upon the families? During this time what had been done by the citizen soldiers? When were they disbanded? What was the state of the public mind? What disturbed the public tranquillity at this time? What was done by the President? What was the opinion of the United States of this invasion? What further reason had the President for the veto? What had Houston already done? What was the effect? What occurred on July 7th?

CHAPTER L.

BATTLE OF SALADO—DEATH OF CORDOVA—THE DAWSON MASSACRE.

THE country was again startled. Messengers, on swift horses, were sent in all directions with the tidings that a Mexican force of fourteen hundred men, under General Adrian Woll, had entered San Antonio at daylight on the 11th of

September, 1842, and had taken fifty-two prisoners, among them, Judge Anderson Hutchinson of the District Court of Bexar County, then in session; Hon. William Jones of Gonzales; Mr. Sam'l A. Maverick of San Antonio; Ex-Judge James W. Robinson, and all the lawyers. There was great alarm and a general call for men again to rally and drive them out. Five companies were hurriedly raised under hastily chosen leaders, forty-seven men from Gonzales and Seguin under Captain James Bird; forty western cow-boys and Victorians under Captain Ervin Cameron; thirty-five from the Cuero settlement, under Captain Daniel D. Friar; forty from the Lavaca, under Captain Adam Zumwalt. Forty of the best mounted among these were selected as scouts under Captain Jack Hays. Captain Matthew Caldwell, an ex-Santa Fé prisoner, was elected commander.

They reached Salado Creek, six miles northeast of San Antonio, at twelve o'clock at night of September 17th; Lieutenant John W. Smith went into San Antonio as a scout; they stripped their horses and slept upon their arms the remainder of the night. At daybreak Smith returned and reported General Woll still in San Antonio, but that the prisoners had been removed several days before. Colonel Caldwell, September 18th, despatched Hays' spy company to reconnoitre and endeavor to draw the enemy out. At nine A.M., the spy company was observed skirmishing and retreating before a body of Mexican cavalry, about four hundred in number. They continued to retreat until they reached their appointed position. The main body of Texians, two hundred and two men, tied their horses in the creek bottom behind them, took their positions along the bank of the Salado, and waited eagerly for the Mexicans to charge.

They did not charge, but at a distance of four hundred yards opened a fire from their escopetas, keeping up the fire, although frequently challenged to charge, until two o'clock P.M.

Three of the Texians were wounded. At two o'clock, P.M., General Woll, with eight hundred or nine hundred infantry, and two pieces of artillery, arrived on the field. The enthusiasm of the Texians, many of them very young soldiers, rose to such a pitch that Colonel Caldwell's repeated caution, "Keep cool, boys," was very necessary. Colonel Caldwell ordered that in receiving and repelling a charge they should not be drawn into a net by leaving their position and following into the open valley.

General Woll formed his infantry on the hillside, fired two rounds of grape and canister, and advanced slowly. At a blast

of the bugle they charged with a rush, yelling furiously, to within thirty paces of the Texian position, firing by platoons. The Texians stood firm and answered with the bang of their rifles. The Mexicans advanced the second and third time to the charge, and were



MEXICAN CHILDREN IN 1836.

each time gallantly repulsed. About sunset the Mexicans retired to San Antonio.

The Mexicans left sixty dead on the field, and carried about forty dead and sixty wounded into San Antonio in wagons. The Texians lost one man killed and eight wounded. A few horses were killed or wounded.

In the battle of the Salado the noted Mexican insurgent chief, *Vicente Cordova*, was killed.

Cordova was an old Mexican resident of Nacogdoches, never in harmony with the Texians. In August, 1838, it will be recollected, he headed the Cordova rebellion among the Indians and Mexicans of that vicinity. After his defeat he removed to the Rio Grande, and was in this invasion, with General Woll, at the head of a company of renegade Mexicans and Coriso Indians.

While General Woll fought in front of the Texians, Cordova had his men in a ravine at right angles with the creek, below the Texian position. He was in the act of firing when he was shot by Mr. John Lowe of

Seguin, the fatal ball entering the arm which supported his gun, and running along it entered his body, killing him instantly. Eleven of his men were killed. Cordova's person was identified by "Old Vasquez," a New Madrid Spaniard in Bird's company, and by others who knew him.* During the night after the battle a company of one hundred men, under



MEXICAN CHILDREN IN 1884.

* I have given these particulars because other and contradictory accounts of his death have since been published. I saw him taking aim at a Texian, and was reloading my gun when Lowe shot him, and I saw him fall.—J. H. B.

Captains Jesse Billingsly and Wallace, arrived on the field, Major James S. Mayfield commanding the whole.

THE DAWSON MASSACRE.

A company of fifty-three men, chiefly from Fayette County, under Captain Nicholas Dawson, on their way to the Texian army, had reached a point about three miles from the Salado. Mr. Alsey S. Miller was sent forward to reconnoitre. He soon heard the sound of the battle, and saw about four hundred dragoons standing at ease, as if in reserve. He hastened back to Dawson to report his discoveries. Dawson decided to make an attack upon them. Advancing to within a mile and a half of the battlefield he discovered the enemy advancing to meet him.

Dawson took a position in a mezquit grove covering about two acres. The Mexicans flanked to the right and left, and displayed one piece of artillery, which opened upon the Texians a galling fire, every round telling with fearful effect. Captain Dawson was killed in attempting to raise a white flag. Mr. Miller then rode out and raised the flag, the men at the same time calling out "We surrender!" Then followed a general massacre. Of fifty-three men, forty-one were killed, ten were made prisoners, and two escaped—Mr. Alsey Miller and Mr. Gonzalvo Woods. With their prisoners they rejoined Woll in his retreat.

Woll abandoned San Antonio on the night of the 19th–20th. As soon as advised of the fact, Caldwell made pursuit on the 20th. In the afternoon, on the Medina, he was joined by Colonel John H. Moore, with about two hundred men from the Colorado, Lavaca, and Guadalupe.

The Texians remained in the valley of the Medina on the night of the 20th and during the 21st. On the 22d they began a rapid pursuit, with Captain Jack Hays and one hundred men in advance, and flankers on the right and left. About two o'clock, P.M., the advance was fired upon by the Mexican rear-

guard, and several men were wounded, but the pursuit continued. Near sunset the Texian advance came suddenly upon a company of Mexican infantry in a narrow road, through dense chaparral, on the Arroya Hondo. This was Woll's rear-guard with a six-pound cannon. The Texians charged upon them, leaping and scrambling over the cannon, still belching out shot and canister, until the artillerists were killed. The Texians had several men wounded and several horses killed. General Woll had halted on the opposite side of the Hondo, in a secure position, from which he could rake the Texan advance. The main body of the Texians arrived at dark and camped for the night, intending to renew the fight at dawn, keeping out sentinels. In the morning it was discovered that the Mexican army had left.

The men were eager to pursue and fight the Mexicans, but in consideration of the starved condition of their horses, and their own condition, not having tasted food for two days, the pursuit was reluctantly abandoned. On the Medina they met Colonel Edward Burleson, with large reinforcements, hurrying forward to join them.

On the 24th the whole command met at the Alamo, where Colonel Burleson, from a window in the fortress, addressed them and outlined the plan of a campaign into Mexico, for which all were eager. Colonel Burleson advised the men to go home, recruit their horses, make preparation for the expedition, and in six weeks meet him at the Alamo. This counsel was received with bursts of enthusiastic applause.

The men started for their homes, but a portion of them repaired to the scene of the Dawson massacre, and finding forty-one of their murdered friends and neighbors, dug their graves as best they could, and buried them with the honors of war and with religious rites.

Their remains have long reposed in a spot, now sacred to all the survivors of that day, known as Monument Hill, overlooking the Colorado from the west, opposite La Grange.

in Fayette County, the home of nearly all of Dawson's men.

QUESTIONS.—How was the country startled in September, 1842? What was the call? How was it met? Where did they rendezvous? What did the spy report? What was next done? With what success? Describe the Mexican charge. Who arrived at two o'clock, p.m.? What was Caldwell's advice? Describe the charge. What noted Mexican was killed in this battle? Give some account of Cordova. Describe his position and death. How many of his men were killed? By whom was his body identified? What volunteers arrived at night after the battle? Describe the Dawson massacre. When did Woll abandon San Antonio? What was Caldwell's next move? Who joined him? Describe the pursuit of the Mexicans. Where was Woll? When did the main body of the Texans arrive? What was discovered next morning? What was the desire of the Texans? Why did they not do so? Whom did they meet on their return, on the Medina? What occurred on the 24th? What was his advice? Where did some of the men go? What did they find? What did they do with the bodies?

CHAPTER LI.

THE SOMERVELL CAMPAIGN—UNITED STATES ANXIOUS FOR PEACE BETWEEN TEXAS AND MEXICO.

THIS was a dismal period in the history of the Republic. The seat of government had been removed from Houston to Washington, on the Brazos; the whole West was in a state of painful doubt as to whether President Houston would sustain the proposed expedition, and there was division of opinion as to its expediency; among the friends and relatives of the men held in Mexican prisons, there was a fixed determination to adopt this plan for their release; among others the idea of revenge and reprisals was a strong motive.

General Houston, wishing to bring the expedition under government control, ordered two regiments of militia from Central to Western Texas, and authorized General Somervell, their commander, to organize as militia the forces collecting at San Antonio. This plan of the President met with violent opposition. General Edward Burleson was the experienced *leader of their choice* for the hazardous enterprise, although

all believed General Somervell to be brave and patriotic. After much discussion it was decided to yield to their wishes, and accept General Somervell, thus having the sanction of government for their undertaking.

After most of the original militia had, for various reasons, abandoned the enterprise, seven hundred mounted men, divided into companies under their several commanders—James R. Cooke, colonel, and Alexander Somervell, commander-in-chief—left camp, below San Antonio, November, 1842. They had two hundred pack-mules and three hundred beeves. Their first point of attack was to be, as they supposed, El Presidio, Rio Grande, to which there was an open road in good condition. They crossed the Medina after camping two nights on its eastern bank. Continuing on the Presidio road several miles, to their surprise and indignation, they were ordered to change their course to the southwest, leading them through dense chaparral to the Laredo road. The whole country was inundated, torrents of rain having fallen, and a cold, wet “norther” blowing. Floundering first through mud and water, then for three days through boggy ground, they reached firm land on the Laredo road.

They marched toward the Nueces, a deep and narrow stream, with the eastern bank overflowed from one to three feet deep. Part of the command swam across with hatchets and felled trees, of which, with the help of those on the eastern bank, they constructed a bridge, interweaving the branches with reed-cane and grasses, on which the animals all crossed in safety.

At midnight, with a renewal of the storm and a darkness that could be felt, came a stampede of the mules and horses. More than a thousand frantic animals were rushing among the men, who were springing in every direction to escape them.

The Rev. Edward L. Fontaine, afterwards long rector of the Episcopal church in Austin, and grandson of Patrick

Henry, in springing from them, was thrown into a bed of prickly pears—not a bed of roses.

Captain Jack Hays reported the capture of two Mexican scouts, from whom he learned that Laredo, sixty miles distant, was occupied by two companies of Mexican soldiers. The Texians immediately decided to capture the Mexicans and take Laredo. By breakfast time most of the animals had been caught. Leaving a detail to find the remainder, the army marched twenty miles in the direction of Laredo and camped. After turning adrift their beeves, their only reliance for food, they made a night march and surrounded Laredo. At daylight they closed in for the attack, when it was found that the Mexican soldiers, forewarned, had evacuated the town. The citizens, however, greeted them with friendly salutations.

Destitute of food, their clothing torn by the bushes, many of them barefoot and without blankets, it was expected that a requisition would be made upon the town for supplies. This was partially done, and scantily responded to. No one had food enough for a day in advance. Some articles of clothing, which a few of the men in desperation appropriated, were returned the next day.

It was the wish of nearly the entire command to cross the river, pass down the valley, inflict such chastisement as they could in their condition, and recross before the Mexicans could assemble a force to oppose them. To this General Somervell was opposed, and the second day they moved southeast from the river about six miles and camped in the chaparral. Disgust and indignation ran high, as this was believed to be a clandestine move homeward.

On the morning of December 11th the general paraded the men—in no mood for parleying—and addressed them, to the effect that all who wished to return home could do so honorably, and with the remainder he would pass down the river some distance, cross over, chastise the Mexicans, and return *home*.

Two hundred men and two captains, believing that a farther march was but prolonging their sufferings, and that no invasion of Mexico was intended, turned homeward from that place. The remainder marched down the river to the mouth of the Salado, crossed the Rio Grande, and in an adjoining village of the Coriso Indians, six miles from Guerrero, they found an abundance of mutton. They had previously discovered that a Mexican force was watching their movements, and General Canales, with seven hundred Mexican soldiers, appeared on the neighboring hills, but made no hostile demonstrations. The alcalde of Guerrero, with an interpreter, came out and made a surrender of the town, but begged that the Texians would camp outside, promising to send such supplies as they needed. To this proposal General Somervell agreed. They moved up six miles and camped on a hillside near the town, exposed to the view of the surrounding hills, and where during the night a deluge of rain fell upon them. The next morning, wet and cold and destitute of provisions, they waited the promised supply. During the day their wants were very scantily supplied.

On the 17th they recrossed the Rio Grande, found beeves which they killed for food, and passed the 18th, when in the evening they were paraded and an order was read for their immediate return to San Antonio where they would be disbanded.

On the morning of the 19th three hundred men refused to obey this order. The remaining two hundred, sorely perplexed as to duty, obeyed the order and returned. These last wandered about, lost in the chaparral for several days, nearly destitute of food; several killed and ate their horses. At length, almost demented, they arrived in San Antonio, where, on the 7th of January, 1843, they received their discharges and returned to their homes. In explanation General Somervell reported that he became convinced the enemy was collect-

ing a larger force, under Ampudia, than he could engage with any hope of a successful issue.

It was believed in government circles that the recent forays of the Mexicans had been made less with the view of regaining possession of the country than of unsettling the question of annexation, by appearing to claim Texas as an unconquered province in a state of rebellion. Mexico's domestic wars still occupied her armies, and no attempt was made to gain possession of Texas. The United States, having friendly relations with Mexico, had, through her minister to that country, expressed a strong desire for permanent peace, and urged upon their consideration the benefits to the three countries which would result from a speedy termination of the war. As a measure of redress, Texas had declared the ports of Mexico in a state of blockade; but as her navy was not available, having gone to assist Yucatan in her rebellion against Mexico, and other complications with regard to it existing, nothing was accomplished in that direction.

QUESTIONS.—What was the state of feeling at this period of the history? What was Houston's plan? How was it received? Why did the people finally yield? What of the militia? How many men were there? When did they start? Who were their officers? What was their objective point? How did they proceed? What was the condition of the road to the Laredo road? How did the march continue? Describe the night. What was learned from scouts captured? What was decided upon? Give an account of the march to Laredo. Of the attack and its results. What was the condition of the men? What did they expect? What was the next step they wished to take? What did Somervell do? What was the state of feeling among the men over this move? What was Somervell's talk to them on the morning of December 11th? What number returned? What was done by the remainder? What had they previously discovered? What did the alcalde propose? Was the proposal accepted? What of the night? Was the promise of the Mexicans kept? What were the occurrences of the 17th and 18th? What was the result of Somervell's order? What was the experience of those who returned? What was General Somervell's report to the Secretary of War? What was believed in government circles? How was the Mexican army occupied at this time? How had the United States shown her interest? What had Texas done with regard to Mexican seaports?

CHAPTER LII.

THE MIER EXPEDITION.

THE three hundred men who refused to obey Somervell on the 19th of December, 1842, reorganized into companies and elected Wm. S. Fisher as their commanding colonel. The captains were Ervin Cameron, Chas. K. Reese, Wm. M. Ryon, Claudius Buster, Wm. M. Eastland, John G. W. Pierson, and John R. Baker. Captain Thomas A. Murray, a brave and gray-haired Irishman, was adjutant. Thomas J. Green filled special positions on special services, though in 1836 ranking as colonel or general.

While all yielded to the election of Captain Fisher, who had been much in Mexico, many would have preferred the chivalrous Scot, Captain Ervin Cameron, the "lion-hearted," who had been their leader in many Mexican and Indian forays.

On the 20th of December they took possession of some flat boats below Guerrero, and descended the river, the main body passing down on the Texas side, occupying three days in the descent, and encamped opposite the Mexican town of Mier, Colonel Thomas J. Green in command of the boats. The small town of Mier lay in a curve of the Alcantra, a small, rapid stream with rugged bluff banks. The following day, December 23d, they crossed the Rio Grande, meeting with no opposition, entered Mier, and, separating, marched in columns through the streets, into the main plaza, where they met a priest and the alcalde, who surrendered the town unconditionally. They made a formal requisition upon the town for supplies, and, taking the priest and alcalde as hostages, returned to the Texas side of the river, and camped three miles from Mier to await the promised supplies. Having moved from the first camp above, they waited three days in vain, when the scouts brought information that Ampudia was in Mier with two

thousand soldiers. They resolved to cross over and give him battle. On the 25th of December, leaving their horses, with forty-two men as a guard, they crossed, and marched with the Alcantra between them and Mier. The night was dark, and a cold, drizzling rain was falling. To create a diversion from the ford where they wished to cross the creek, the Texians fired upon a picket guard two hundred yards to the left. It was found that the ford was guarded by a strong force of Mexican cavalry. In the darkness they groped their way down the bluff, and effected a crossing so near to a Mexican picket of twenty men as to create a mutual surprise. To their challenge "*Quien vive?*" ("Who comes?") the Texians shouted "Fire!" and about one hundred rifles were fired upon them. There was no response. Nothing could be heard but the voice of old Colonel Ramirez (Mexican) vainly urging his men to "charge!" In making their way to the plaza, where the Mexican cavalry was planted, they gained an entrance into a street that opened upon it. From this they commenced a sudden, rapid fire, which was promptly answered from the artillery, the Texians escaping the balls by retreating around the corners, forming and firing with deadly effect. They took possession of rows of houses, against which the artillery was turned.

At daylight the Mexican artillery was three times manned and as often silenced. The last time sixteen of the seventeen artillerymen were killed. Fifty-five of a choice company of sixty were killed. The Texians lost one man killed, John E. Jones, and two wounded.

The Mexicans charged upon one of the houses held by the Texians, when Colonel Fisher, with twenty men, suddenly threw himself into the street and received their fire, returning it with such fury that the whole column turned and fled. Several Texians were wounded, Colonel Fisher having the ball of his right thumb shot off.

The Mexicans took possession of the flat, tile roofs of the *houses, and with their muskets poured down the most damag-*

ing fire of the battle; but so sure was the aim of the Texas riflemen, that wherever a Mexican showed his head he was shot. Blood flowed from the tile guttering, and their dead bodies lay in piles.

Captain Cameron and his gallant company occupied a yard outside the houses, surrounded by a stone wall, from which they kept up an effectual fire, but lost three men killed and seven wounded. On the night of the crossing, in the darkness, Mr. Joseph Berry was so badly injured by a fall, that a detail of seven men, including Dr. Sinnickson, was made to remain with him in a hut outside the town. They had watched the battle seventeen hours, when a troop of sixty Mexican cavalry dashed past the door. Their rifles were instantly brought to bear, killing the commander and ten men. In a short time a larger force of cavalry appeared with a cannon, when the Texians rushed from the house to make their way to the main body. Three, including Dr. Sinnickson, were taken prisoners. The remainder were killed.

After a desertion of their cannon for six hours the Mexicans, fearing to come in sight of the Texians, resorted to the lasso, dragging them off by main strength. Bugles sounding the charge could now be heard in various directions.

About two o'clock, P.M., of December 26th Dr. Sinnickson, prisoner, came to Colonel Fisher with a white flag, and communicated to him, verbally; proposals from Ampudia for surrender of the Texians. This was followed by a private interview between the two officers, Ampudia and Fisher, who had formerly been on friendly terms. When Colonel Fisher returned he repeated Ampudia's proposals and pledges, and assured the Texians that from his own personal knowledge of that officer they need have no doubt that these pledges would be faithfully kept. All who would surrender and give up their arms should be "treated with the consideration which is in accordance with the magnanimous Mexican nation; that they should not be sent to Mexico, but retained on the frontier

until they could be exchanged ; but if they did not surrender no quarter should be given." Many of the Texian officers and men regarded themselves as the conquerors, having fought for eighteen hours nine times their own number with the loss of but twelve killed, and having killed or wounded between six and seven hundred Mexicans.

Colonel Fisher urged the consideration of the already great disparity of numbers, which he had been informed would immediately be greatly increased, and of the impossibility of retreating with their twenty-three wounded men without great loss of life. He informed them that only five minutes were allowed in which to make their decision, but if they chose to continue the fight he would remain with them, and they would sell their lives as dearly as possible.

The surrender which followed was not by unanimous consent. A few, at first, worn out with hunger and fatigue, stepped forward and laid down their arms. Others, seeing their numbers diminished, did the same. A few who had been Santa Fé prisoners, and at last all, stacked their faithful rifles and surrendered "prisoners of war."

QUESTIONS.--What did the three hundred men who refused to obey Somervell do ? Whom did they elect officers ? What brave man would many have preferred as commander ? How did they commence operations ? How was Mier situated ? What occurred on December 23d ? How did the Americans next proceed ? What did they learn from scouts ? What occurred on the 25th ? What advantage did the Texans gain ? How did they take advantage of it ? What occurred at daylight on the 26th ? How many Mexicans were killed ? How many Americans ? How did Fisher meet one of the charges ? What position did the Mexicans then take ? What of Cameron and his company ? Describe what occurred outside the town. How did the remaining artillerymen rescue their cannon ? What could now be heard ? What occurred about two o'clock p.m. ? What were the pledges ? In what light did many of the Texians regard themselves ? What motives did Fisher urge for surrendering ? What can you tell of the surrender ?

CHAPTER LIII.

MIER PRISONERS DRAWING THE BEANS AT SALADO MASSACRE.

THE pledges of Ampudia, reduced to writing after the surrender, were redeemed by putting the men in irons and marching them, tied in pairs, as prisoners to Matamoras. The wounded were left at Mier with Dr. Sinnickson; the forty-two who were left with the horses on the Texas side of the river returned home.

Sixty-six Mexican officers received "the grand cross of honor," and an advance of one grade for achieving this "brilliant victory."

The prisoners were marched through the principal streets of Matamoras, which was decorated for the occasion. Flags were floating, bands of music played most triumphant marches, bells rang, guns were fired, and the populace shouted and jeered; but some of the citizens, moved to pity, afterwards contributed clothing and money for their most pressing necessities. After starting a small company two days in advance, including Colonels Fisher and Green, the prisoners left Matamoras, January 14, 1843, under a guard of one hundred cavalry, four hundred infantry, and two pieces of artillery, under command of Colonel Savriego, for Monterey. Six men and two boys remained in Matamoras.

Averaging eighteen or twenty miles a day, corralled at night in the open air, they reached Monterey on the 29th of January. Here they were made more comfortable, and rested until the 2d of February. Arriving at Saltillo they were joined by five of the prisoners taken from San Antonio by General Woll in the previous September. Under command of Colonel Barragan they left Saltillo for San Luis Potosi, taking the *hacienda* of Salado in their way, which they reached February 10, 1843.

On the morning of the 11th of February, at a preconcerted signal, led by Captain Cameron, the prisoners rushed upon their guard, then eating breakfast, disarmed them and made their way into the courtyard, where they overcame one hundred and fifty infantry. Here they armed themselves and dashed for the gate, overcame the guard stationed there, and scattered the cavalry on the outside. They had four men killed, three of whom were to have been their guides through the mountains on their homeward march; secured about one hundred and seventy stand of arms and one hundred horses; and, at ten o'clock A.M., they left the *hacienda*. They travelled rapidly the first day, keeping the Saltillo road. On the night of the 13th of February, in the darkness, they became separated, and during the five succeeding days, suffering from hunger, thirst, and the cold air of the mountains, they wandered about, searching for water. Their tongues were swollen, and several became insane. They killed horses and ate their flesh.

About twelve o'clock on the 18th they discovered smoke, the signal which was to be given if any of the stragglers found water. In eager expectation of quenching their thirst they went to the place and discovered the camp-fires of a body of Mexican cavalry under command of General Mexia. Most of them, through exhaustion, had thrown away their guns, and were in no condition for resistance. They again surrendered, and, during the day, other stragglers came to the camp or were found and brought in by the soldiers. On the 19th Captain Cameron came in with quite a number and surrendered. General Mexia treated them with great consideration, giving to them of food and water such quantities as they could take in safety. Notwithstanding these precautions several drank too freely and died.

On the 22d of February they began their return march on foot, tied in pairs and closely guarded, picking up their comrades in a perishing condition on the way. Some of the sick

were allowed to ride on donkeys. They arrived at Saltillo on the 1st of March, and on the 22d left for the *hacienda* of Salado, one hundred and ten miles distant, which they reached on Saturday, the 25th, about one o'clock, P.M.

Soon after their arrival they were informed of a decree from Santa Anna, ordering them all to be shot; but, that, yielding to remonstrances from General Mexia and some of his officers, the sentence had been commuted to *diezmo* (one in ten). General Mexia tendered his resignation, refusing to officiate at so "cruel and unmartial" a ceremony. The ceremony was performed under command of Colonel Juan de Dios Ortiz.

The Texians were drawn up in line, and an interpreter, Alfred S. Thurmond, himself a prisoner, read the sentence. A subaltern brought forward a jar containing one hundred and seventy beans, seventeen of which were black, the remainder white. The roll was called, and as each man answered to his name he stepped forward, and thrust his hand into the jar held above his head. If he drew out a black bean it meant death.

The doomed seventeen resolved to "die like soldiers." Many tender messages were intrusted to those more fortunate; fervent prayers and expressions of loyalty to Texas filled the half hour that closed the gloomy day. Their companions were separated from them in an adjoining enclosure, from which they heard the order to "fire!" and the cries and groans of the dying.*

* During the war between the United States and Mexico, following the annexation of Texas, General Walter P. Lane of Marshall, Texas, while on a scouting expedition towards San Luis Potosi, made a detour across the mountains, to the *hacienda* of Salado, surprised and arrested the major domo, of whom he made demand for the bones of the seventeen murdered men of Mier. Without delay they were exhumed, all having been thrown into one excavation, the bones placed in sacks, and on mules which the startled chief gladly furnished; and under care of Captain Quisenbury, a Texian, with an escort, they were brought to Lagrange, Texas, and, in the presence of thousands,

The next morning, March 26th, tied in pairs, they started early on their march to the City of Mexico, passing the dead bodies of their comrades, lying as they fell.

Their commander, Juan Orteaga, a full-blooded Indian, showed them all the kindness in his power when untrammelled by the presence of any other officer. They were occasionally halted for a day to rest, and the sick were taken to hospitals.

On the 23d of April an additional guard met them from the City of Mexico. They brought an order from Santa Anna for the immediate execution of Captain Ervin Cameron. At nine o'clock on the morning of the 25th he was separated from his companion, Alfred S. Thurmond, taken from his cell, and received fifteen shots in his breast which he bared, and died instantly.*

The prisoners arrived in the City of Mexico April 26th, four months from the day of their capture. Here they were furnished suits of clothing made of striped blanketing, and made to transport sand to the grounds of Santa Anna's palace in Tacubaya. They remained in the City of Mexico until March 12, 1844, when they were removed to and incarcerated in the fortified castle of San Carlos, at Perote, on the road to Vera Cruz. Nine had previously died.

The prisoners captured in San Antonio by General Woll,

gathered on the rare and solemn occasion, were buried with the honors of war on Monument Hill. Their names are as follows :

JAMES D. COCKE,	C. ROBERTS,
ROBERT H. DURHAM,	EDWARD ESTY (or ESTE),
JAMES M. OGDEN,	J. TRUMBULL,
WILLIAM M. EASTLAND.	R. H. HARRIS,
THOMAS L. JONES,	MARTIN CARROL WING,
J. M. THOMPSON,	P. MAHONEY,
HENRY WHALING,	J. L. CASH,
W. N. COWAN,	JAMES TORREY.

* Captain Ervin Cameron was a native of Scotland. He had been the loved and trusted leader of his company of rangers for several years, they never fearing to follow where he led. He was the embodiment of the youthful idea of the old Scottish chiefs.

had been confined with the Mier prisoners, numbering in all one hundred and twenty-six in the castle of Perote, which was not far removed from the *hacienda* of Mango de Clavo, Santa Anna's private residence.

On the 16th of September, 1844, their number diminished by an occasional release or escape and the death of fourteen, the remaining one hundred and four were released by order of Santa Anna.*

QUESTIONS.—How were the pledges of Ampudia redeemed? How were the Mexican officers rewarded for this victory? Describe their entrance into Matamoras. How did some of the citizens treat them? What took place on the 14th of January, 1843? What of the march? What occurred on February 11th? How many were killed? What did they secure? How did they travel? What occurred on the 18th of February? Give an account of what occurred on the 19th. When did they leave the camp for the return to Saltillo and Salado? How were they treated? Of what were they soon informed? What was done by General Mexia? Who took his place? How was the order executed? How did the men meet their fate? What was done on the morning of the 26th of March? How were they treated by the commander Ortega? When did the prisoners arrive in the City of Mexico? How long did they remain there? How many prisoners were at Perote? Where was Perote situated? What occurred on the 16th of September, 1844?

CHAPTER LIV.

SNIVELY EXPEDITION, APRIL, 1843—FOREIGN IMMIGRATION.

THE Texians wished to retaliate for Mexican insults and outrages, especially for the treatment of the prisoners then held in Mexico. An opportunity for partial redress occurred in 1843. The road from Santa Fé, New Mexico, to Independence, Missouri, over which a considerable trade passed annually, led through a portion of Texas, beginning at the one hundredth degree of west longitude, and, from that, following the Arkansas River to its source. In the spring of

* It was said and generally credited, that the loss of his amiable and lovely wife, who had shown much concern for the condition of the prisoners, and had asked for their release as a dying request, so softened his heart that he consented.

the year a train of valuable goods belonging to Armijo and other Mexican merchants of Santa Fé was expected to pass over this road, and it was proposed to intercept them on Texas soil.

The Texians applied to their government for permission to attack this train on the Texian portion of the road, and, if possible, capture it. The government decided it to be legitimate warfare, and, on the 16th of February, the Secretary of War, George W. Hill, issued the necessary papers, one proviso of which was that one half the spoils taken in honorable warfare should go to the treasury of the Republic.

One hundred and ninety men organized for this enterprise near the present town of Denison, electing Jacob Snively commander. Starting on the 25th of April, they followed the old Chihuahua trail until they were sure of being west of the one hundredth meridian, and, on the 26th of May, after many adventures, pitched their camp about eight miles below the Santa Fé-Independence road. Their scouts learned that the train was expected in eighteen days, and that a force of five hundred Mexican soldiers were waiting in the vicinity, to guard it through Texas. On the 9th of June they learned, further, that having been informed of the presence of the Texians they had procured a guard of two hundred mounted United States troops across the boundary, under command of Captain Philip St. George Cooke. On the 17th it was announced the caravan was approaching, and that it was composed of sixty wagons loaded with merchandise and guarded by five hundred Mexicans and two hundred United States troops.

On the 20th of June they met a detachment of Mexicans who held a secure position in a ravine. The Texians charged upon them; after a slight resistance they surrendered, having had seventeen killed, eighteen wounded, and eighty taken prisoners, besides the loss of their horses and ammunition. The Texians met with no losses.

The men became impatient of the delay. They had

been surprised by about three hundred Indians dashing into camp, professing friendship, but creating a feeling of apprehension. The dissatisfaction increased when, on the 28th of June, the scouts came in and reported no news of the caravan. About seventy of the men elected Captain Chandler to take them home. They started on the 29th, and Captain Snively, after having dismissed his prisoners with mules for the wounded and sick, and guns for hunting, passed up the Arkansas. The next day, with a hunting party, he crossed the Arkansas, when they were chased back to camp by the United States soldiers with two pieces of artillery.

Captain Cooke now demanded an interview with Snively, which was granted on the United States side of the river; having examined his papers he, his officers concurring, declared them a body of foreign trespassers on United States territory. Cooke and his whole command crossed the river to the Texas camp, which he surrounded, placing his cannon in range with the camp, and standing with lighted matches. He then commanded the Texians to stack their arms, which they did under protest, declaring that they were on Texas territory. Cooke and his men then left, taking all their muskets but ten, fifty-seven Texians accompanying him.*

On the 4th of July they were attacked by Indians, who drove off sixty of their horses. They pursued and killed fifteen of the Indians; one Texian was killed and one wounded. On the 8th the scouts reported the caravan on Texas territory. Sixty-five of the men went in pursuit, coming upon their trail on the 13th; but the presence of Armijo with a large body of Mexican troops warned them of the folly of a further pursuit, and they returned, all willing to abandon the fruitless expedition and go home. They reached Bird's Fort, on the Trinity, in Tarrant County, on the 6th of August.

* Captain Cooke was less cruel than he intended. The Texians stacked the escopetas which they had captured from the Mexicans, while their own rifles lay buried in the friendly sand-hills in the vicinity.

The United States afterwards recognized the illegality of Cooke's proceedings, and made an appropriation for damages.

FOREIGN IMMIGRATION.

Under certain conditions of a special colonization law of the Republic, enacted in 1841, Henry Castro, by birth a Frenchman, of wealthy and highly honorable descent, received conditionally, February 15, 1842, large grants of land west of the Medina River. He immediately proceeded to comply with his contract, sending his first colonists, one hundred and thirteen in number, from Havre, on the 3d of November, 1842.

At great expense and labor, between the years 1842 and 1847, he settled upon his lands over four hundred and fifty families, and as large a number of single men from France and adjoining German provinces. He founded Castroville on the Medina, and, on other portions of his lands, the towns of Quihi, Vandenberg, and Dhamis. He expended large sums of money for the benefit of his people, and the country enjoyed the results of his well-directed energies. His death in Monterey, on his way to revisit his native country, was a serious loss to his colonists as well as to this country, where his real worth could not be too highly estimated.

Between the years 1845 and 1847 about eleven thousand immigrants, under the Prince de Solmes, arrived in Texas as colonists. In 1846 he laid out the town of Fredericksburg. The company to which the lands were granted was made up from the German nobility. The Crown Prince of Prussia, Frederick William, was a member of the company. Their purpose was to establish a German municipality, with Fredericksburg as its capital. This was defeated by the annexation of Texas to the United States.

In consequence of this failure of the company, some of the immigrants returned to the Fatherland. Many, left *without resources*, suffered great hardships; some died of

privation and disease. Not a few were buried on the roadside between Indianola and their destination, which was on a frontier exposed to Indian depredations. Those who survived and remained on the lands were rewarded by large accessions of friends from across the ocean, and the possession and development of one of the most beautiful portions of Texas.



COMAL RIVER, NEAR NEW BRAUNFELS.

This enterprise, under the right acquired by Henry F. Fisher and Burchard Miller, prominent and honorable German citizens of Houston, became known as the German Immigration Company. It was under its auspices that the great body of Germans entered Texas. They built up New Braunfels, and many farms were opened and other enterprises started on that exposed frontier.

To her German tillers of the soil, Texas is indebted for developments of great value, and which to the Americans had been considered of impossible production in this climate. Portions of the country have become valuable and productive, which had been set aside as unfit for general use.

QUESTIONS.—When did an opportunity for partial redress of treatment of prisoners and other outrages by Mexico occur to the Texians? What was first done by the Texians engaged in the expedition? Describe their plans and journey. What did their scouts learn of the train? What further did they learn on the 9th of June? What was announced on the 17th? What occurred on the 20th while they were awaiting its arrival? How had they been surprised? What was the next report of the scouts on the 28th? What did some of the men do? What did Captain Snively do? What was Captain Cooke's demand? What did Cooke do? What occurred on the 4th of July? What was reported by the scouts on the 8th? What did they find on the 13th? When did they reach Bird's Fort? What colonial enterprise was begun in 1842? What did Castro accomplish? Relate the progress of immigration between 1843 and 1847. How was the purpose defeated? In consequence of this failure what was the fate of colonists? Into what company did this enterprise become merged? What is true of German tillers of the soil?

CHAPTER LV.

PEACE WITH MEXICO URGED—QUESTION OF ANNEXATION— WAR WITH THE REGULATORS AND MODERATORS.

THE first propositions for peace with Mexico originated with James W. Robinson, Lieutenant-Governor in the provisional government in 1835, one of the lawyers captured by General Woll at San Antonio in September, 1842, then confined in the Castle of Perote. Robinson ventured to open a correspondence with Santa Anna at his *hacienda*, where he afterwards had a personal interview with him, and made proposals which were so favorably received by Santa Anna that Robinson obtained his liberty, in order to offer them for the consideration of the government of Texas.

Robinson's plans looked to the peaceful restoration of Texas to Mexico. On his return to Texas he laid the correspondence before President Houston, who saw in it an *ingenious device for regaining Robinson's liberty*, but nothing

which could permanently benefit Texas. An armistice which was proposed, it was suggested, would give Texas a respite from invasion, and afford the people time to devote to her domestic industries. This was the extent of that affair, only that Texas was to become a State of Mexico.

Great Britain desired a reunion of Texas with Mexico, rather than annexation to the United States, as it would increase the area of monarchical rule on this side the ocean, diminish that of a slave-holding people, and increase her own chances for collecting debts against that country, which Mexico alone was unable to pay.

Great Britain and France both interested themselves in bringing about an armistice between the belligerent powers, Texas and Mexico. The passage of British war vessels between Vera Cruz and Galveston, bearing secret despatches, interviews between the ministers of those countries, and a known diplomatic correspondence with Texas officials, aroused the jealousy of the United States—imperilling the Monroe doctrine and the possession of the Gulf of Mexico.

“Beware of the British!” wrote Andrew Jackson, Houston’s early friend and admirer, and one who never wholly acknowledged the alienation of title by the United States to the territory of Texas.

The dignity of Texas had been offended by the rejection of her first proposals for annexation. She was now waiting for the suit to be made from that quarter, while, in a quiet and unofficial way, her minister to that country was urging the question of annexation upon the favorable notice of individual congressmen.

Texas foresaw that the measure would sometime be effected, notwithstanding the invectives with which she was assailed by other parties whenever the subject was agitated.

This opposition was so far resented in Texas that quite a large party grew up opposed to annexation. At the same time there was a governing anxiety to so shape her public acts as

not to diminish her chances for favorable terms when that period should arrive. Two commissioners from each of the belligerent powers met at Sabinas, and a temporary armistice was agreed upon and proclaimed on the 15th of June, 1843. On the 24th of July the Texian government was informed by the British *chargé d'affaires* that to General Woll and the military would be submitted the question of the duration of the armistice.

In all this correspondence Texas was considered as a dependency of Mexico, and the Texian President's position in the civil government was ignored.

About this time the renewed interest on the question of annexation became public through President Tyler's message to the United States Congress on the 5th of December, 1843, in which he plainly showed zealous solicitude that "Texas should be left free to act, especially in regard to her domestic affairs, unawed by force and unrestrained by the policy or views of other countries."

President Houston took no public action upon the armistice, but rejected it silently, merely to gain time, avoid irritating Mexico while she held the Mier prisoners, and also to retain the good will of Great Britain and France.

The recent advances by the United States were received cautiously. The party in Texas who were in favor of annexation were impatient of delay, and all were in a state of feverish anxiety. It was learned by the Texian Congress that on the 18th of December, 1843, a secret messenger had been despatched to the United States government, charged with important instructions on the subject of annexation. A demand was made by resolution, upon the President, for the immediate recall of the messenger, and that his departure be postponed until Congress should be allowed to read all correspondence with other countries on matters affecting Texas and had time for action thereon, if necessary. The *President refused to make public the errand with which the*

messenger was charged, but suggested that the Speaker and Committee on Foreign Affairs could call at the State Department and examine the correspondence. This was done, and they were satisfied.

A repetition of her former humiliation was feared in a final rejection by the United States Senate, although General Jackson wrote January 23, 1844, his belief that more than two-thirds of the Senate would vote for annexation. President Houston had equally positive assurances from other distinguished sources.

In response to a secret message to the Congress of Texas, sent in by the President on the 20th of January, 1844, on the subject of annexation, an appropriation was made to defray the expenses of General James Pinkney Henderson, who had been appointed a special envoy to go to Washington City and be ready to coöperate with Mr. Isaac Van Zandt, Texian *chargé d'affaires*, should a certain point be reached by that government on the subject of annexation. Mr. Van Zandt asked if, after the treaty was signed, and before its ratification by the Senate, President Tyler would place a military and naval force at necessary points on the gulf and frontier, to protect the country in the meantime from foreign invasion. Texas received assurances of protection. All was in a state of readiness, and the business of making the treaty began.

The British minister, surprised at what now became public, demanded an explanation. He was, in respectful terms, answered that all had failed from every other source. The United States had promised protection which Texas so much needed; had promised to procure the release of her imprisoned citizens; and that the proposition was unsolicited by Texas. Mexico was enraged at the prospect of annexation. General Woll informed Texas that the armistice was at an end, and that hostilities would be immediately renewed.

The treaty was completed on the 12th of April, 1844.

signed by General Henderson and Mr. Van Zandt on the part of Texas, and by Mr. Calhoun, Secretary of State of the United States, sent by President Tyler to the Senate for ratification, and on the 8th of June, 1844, it was rejected by that body by a vote of sixteen to thirty-five.*

A feeling of profound mortification and resentment pervaded all parties in Texas.

The pleasure of the Mexicans was equally profound. On the 19th of June General Woll gave notice that hostilities were renewed, and that his nation had been highly indignant at the perfidious conduct of Texas. "Nothing short of disturbances of a serious character at home prevented that government from an immediate retaliation for the insult."

No official relations now existed between Texas and the United States. General Henderson was recalled and Mr. Van Zandt resigned. The "Lone Star" was the appropriate emblem for Texas, and Texas resolved to devote all her resources and energies to her own development, and in time to outlive the opprobrium falsely cast upon her by her enemies. The restless and factious spirit among the people was quieted. The Indians, their main wants supplied by trading houses along the border, and their thieving expeditions checked by an efficient ranging service, gave less trouble. Schools and religious institutions received more attention,

* The final action of the Senate was not taken as a test of the popularity of the measure. It was affected by the opposition to annexation of the two opposing candidates for the presidency of the United States—Henry Clay, a Whig, and Martin Van Buren, a Democrat.

When the time arrived for the Whig nominating convention at Baltimore, May 1st, which nominated Mr. Clay, the question of his opposition to annexation had been settled by a public letter of April 12th.

When, on the 27th of May, the Democratic convention met to nominate their candidate, and the question of annexation was applied to Martin Van Buren, and his opposition to the measure defeated him, James K. Polk, known to be in its favor, was nominated in his stead, and "annexation" became a rallying cry of the Democratic party. It was coupled with the "re-occupation of Oregon," and the "re-annexation of Texas."

the crops of the country were never more promising, and the tide of immigration increased. Mexican invasion was still threatened, but it had become a by-word among the people.

Texas was assured not only by the election of Polk to the presidency of the United States that she had a host of friends still working for annexation, but Andrew Jackson, in letters to President Houston, exhorted him to keep his government prepared for it. Texas was resolved that if annexation was effected it should involve no further humiliation to herself.

WAR OF THE REGULATORS AND THE MODERATORS.

About this time culminated the "war of the Regulators and Moderators" in the Teneha country on the eastern border, where feuds had existed, and, from an occasional act of bloodshed, parties had organized and taken the law into their own hands, and it became an open war.

At the end of two or three years, in the summer of 1844, after about fifty had been killed on each side, President Houston ordered out the militia. In person he assembled the leaders of both parties, earnestly addressed them, and demanded that they should resume their relations as neighbors and law-abiding citizens. He triumphed, and each party kept the faith. And thus ended this neighborhood feud.

QUESTIONS.—With whom did the first proposition for peace with Mexico originate? When? Who was he? How was the matter brought forward? What did his plans involve? How were they received in Texas? In what respects would Robinson's plans have suited Great Britain? Why was the United States jealous? What warning did Andrew Jackson give Houston? In what position did Texians stand toward each other? How did many regard annexation? In what way was the armistice brought about? What word did the Texians receive on July 24th? In the correspondence how was Texas considered? What did President Tyler say regarding the annexation of Texas? Why did Houston take no public action upon the armistice? How were the recent advances of the United States received? How did those who favored annexation feel? What was learned by the Texian Congress? What was demanded of the President of Texas on that day? What was Houston's reply? What was especially feared in Texas? What did Jackson write January 23, 1844? In what connection was James

Pinkney Henderson sent to Washington? What was the feeling of the friendly foreign powers on the subject? How was it regarded by Mexico? Relate the fate of the treaty. How did Texas feel regarding the rejection of the treaty? What was the effect in Mexico? What were now the relations between the United States and Mexico? What did Texas resolve? What greatly contributed to these results? Of what was Texas assured? Upon what were the people determined? What disturbed the peace of a portion of the country at this time? How long did it continue?

CHAPTER LVI.

ELECTION OF PRESIDENT—ANNEXATION—STATE GOVERNMENT.

ON the first Monday in September, 1844, Dr. Anson Jones, Secretary of State, was elected President over Edward



ANSON JONES.

Burleson, former Vice-President. Kenneth L. Anderson was elected Vice-President. They were inaugurated on the 9th of December, 1844, when President Houston became a private citizen.

Dr. Jones' election signified an approval of the general policy of the former administration, and also as to the defensive attitude of the Republic towards Mexico.

ANNEXATION.

James K. Polk was elected President, and George M. Dallas Vice-President of the United States, both warm advocates of annexation. On the 25th of February, 1845, joint resolutions passed the United States House of Representatives *by a vote of one hundred and twenty to ninety-eight*,

and the Senate by twenty-seven to twenty-five, providing for annexation. The last official act of President Tyler was to give to these resolutions his official sanction.

On the 15th of May President Jones called a convention, to consist of sixty-one delegates, to meet on the following 4th of July, to consider the acceptance of the proposals for annexation. He then called Congress together in extra session to act on the proposition and to give its assent to the convention. Great Britain pledged the recognition of Texian independence by Mexico if the propositions were rejected by Texas.

The consent of Congress was obtained ; the convention was held ; the proposals for annexation were accepted ; a State constitution was framed ; and the two acts were submitted to a vote of the people on the 13th of October, 1845. They were approved by vote of the people, and, on the 29th of December, the laws of the United States and the postal service were extended to Texas.

THE STATE GOVERNMENT.

An election for State officers and members of the Legislature was held in December. General James Pinkney Henderson was elected Governor,* and Alexander C. Horton Lieutenant-Governor.

The newly elected Legislature met in Austin, on the 16th of February ; and on the 19th of February, 1846, the Republic of Texas ceased, and the State of Texas became a member of the American Union. President Anson Jones closed his

* James Pinkney Henderson was a native of North Carolina. Soon after his arrival in Texas, in 1836, President Burnet commissioned him to return to the United States, to raise recruits for the Texian army, in which he succeeded, bringing a company from North Carolina at his own expense. On his return, in November, President Houston appointed him Attorney-General of the Republic. On the death of Stephen F. Austin, Secretary of State, in the following December, General Henderson was appointed to fill his place. In 1837, at twenty-nine years of age, he went as envoy extraordinary and minister

eloquent address with the now memorable words: "The Republic of Texas is no more!" General Henderson thereupon took the oath of office as first Governor of the State of Texas. The Legislature elected General Sam Houston and General Thomas J. Rusk to the United States Senate. Timothy Pilsbury of Brazoria, and David S. Kaufman of Nacogdoches, were the first Representatives to the United States Congress.

The first Supreme Judges were John Hemphill (Chief Justice), Abner S. Lipscomb, and Royal T. Wheeler, Associates. Of the District Courts were Judges William E. Jones, Robert E. B. Baylor, John T. Mills, Anderson Hutchinson, John B. Jones, William B. Ochiltree, Richard Morris, and M. P. Norton.

QUESTIONS.—What elections took place in Texas in the fall of 1844? What was the policy of this administration? What were the feelings of the newly elected President and Vice-President of the United States? What was the last official act of President Tyler? What official action was taken in Texas on annexation? What was proposed by Great Britain? What was accomplished? How did the State government go into operation?

plenipotentiary from Texas to France and England. At the then brilliant courts of St. James (England) and St. Cloud (France), "he commanded respect for his intelligence, confidence for his fidelity to the objects of his mission, and esteem for the sincerity and nobility of his nature." He succeeded in negotiating commercial treaties between those countries and Texas (a most difficult and delicate mission, considering the condition of the Republic), and also the recognition of Texian independence by those two great powers. In 1844 he was sent to the United States to act in concert with Mr. Van Zandt in negotiating a treaty of annexation to the United States. In the beginning of the war with Mexico in 1846, Texas was called upon for four regiments of volunteers. Governor Henderson commanded them, and led the Second Texas regiment in person in the attack on Monterey. He was recognized as a major-general in the United States service. When Monterey surrendered, General Taylor appointed General Henderson one of the commissioners—Jefferson Davis being also one—to negotiate terms of surrender with Ampudia. At the close of the war he returned to Texas, finished his term as governor, and returned to his profession as a lawyer. In 1857 he was chosen to fill the place of General Rusk, deceased, in the United States Senate, made vacant by the death of that member. His declining health culminated in his death, after having occupied his seat *but a short time.*

Who was elected governor? When did the new Legislature meet? On what date did Texas cease to be a Republic? Who were the first senators to the United States? Who were the representatives? Who were the first judges of the Supreme and District Courts?

CHAPTER LVII.

WAR BETWEEN THE UNITED STATES AND MEXICO.

As General Zachary Taylor, with United States troops, moved from Corpus Christi towards the Rio Grande opposite Matamoras, a detachment of Mexicans protested against his crossing the Rio Sal Colorado, about twenty-five miles east of the Rio Grande, but refrained from firing. General Taylor effected the crossing, and, having reached the Rio Grande, speedily constructed defensive works opposite Matamoras, which were afterwards named Fort Brown. The scouts which had been sent up the river, under Captain Thornton and Lieutenant Porter, were surprised and captured.

Leaving Major Jacob Brown in command of the new fort, General Taylor moved with the main body of his army down to Point Isabel, to guard back army supplies which had arrived by sea. On his return, at Palo Alto, on the 8th of May, 1846, he encountered and drove back General Arista. A few miles farther on, on the 9th, Arista again disputed his passage at Resaca de la Palma, and a severe battle was fought, in which General Taylor was victorious. At Matamoras a continual bombardment had been kept up on Fort Brown, during which Major Brown was killed. Arista soon abandoned Matamoras, when General Taylor crossed the Rio Grande and took possession.

Colonel John C. Hays commanded a regiment at Monterey, of which Captain Ben McCulloch's celebrated scouts formed a part; Colonel George T. Wood, afterward Governor of Texas, commanded another regiment in the same battle—General Henderson commanding the whole. Colonel Hays

afterward commanded another regiment, under General Scott, in the campaign from Vera Cruz to the City of Mexico. Colonel Albert Sidney Johnston commanded the first regiment of Texians, but its term of service was short, after which he served on General Taylor's staff until his reappointment to the United States Army, from which he resigned to take service under the Republic of Texas in 1836. Major Walter P. Lane also performed important service under General Taylor. The war between the United States and Mexico continued until February 2, 1848, when a treaty of peace was signed at Guadalupe Hidalgo, and the United States army evacuated Mexico in the following June.

RELIGIOUS AND EDUCATIONAL.

At no time did the Mexicans attempt to impose or enforce the Roman Catholic religion upon the colonies: its growth, however, kept pace with the increase of population, many of the immigrants being Catholics.

It could not be expected that churches and schools could flourish while the colonies were struggling for existence against dangers and harassments from their enemies; yet families brought the religion in which they had been trained with them, and planted it in the new country, and watched over its growth with jealous care.

Protestant ministers occasionally visited the country at a very early period, and preached in the cabins of their friends, or conducted a camp-meeting, and always without molestation from priest or government official.

To the Rev. Henry Stephenson of the Methodist Church is accredited the preaching of the first Protestant sermon, in the year 1818, on the Texas side of the Red River, and in 1824 he preached a sermon west of the Brazos.

In 1825 a sermon was preached in the cabin of Mr. Moses Shipman, on the Brazos, by a Baptist minister named Joseph *Bags*. In 1828 Mr. Thomas J. Pilgrim, a Baptist, preached

in the cabin of Mr. Josiah H. Bell, at Columbia. He established the first Sunday-school, in 1829, at San Felipe. The previous year the Rev. Sumner Bacon of the Cumberland Presbyterian Church, reputed to be a zealous champion of Christianity, preached in different parts of the country. In 1832 he was sent into Texas by a Nashville association for the distribution of the Bible.

At a camp-meeting in Austin County in 1835 a quarterly conference was organized. Mr. Alexander Thompson was chairman, and Mr. David Ayres secretary. Rev. J. W. Kinney, Rev. Wm. P. Smith, and Rev. Wm. Wedford were local preachers.

In 1837 the Methodists sent from the United States Rev. Martin Ruter, Rev. Littleton Fowler, and Rev. Robert Alexander as missionaries. Mr. Alexander survived his compatriots many years and closed his labors as agent of the American Bible Society.

In 1838 Rev. Caleb S. Ives of the Episcopal Church was sent to Matagorda and adjoining counties. In Matagorda he built up a school of great value to the country. On the 14th of January, 1841, Rev. Benjamin Eaton arrived in Galveston, and in February, 1843, the Rev. Charles S. Gillette became rector at Austin.

Texas was without a resident bishop until 1859 (Bishop Freeman of Arkansas had extended his missionary visits over the country), when Rt. Rev. Alexander Gregg of South Carolina was ordained and came immediately to this laborious field. In 1874 Texas was divided between Bishop Gregg in the south, Bishop Alexander C. Garrett in the north and east, and Bishop Elliott the southwest.

In 1838 an Old School Presbyterian church was organized in Galveston by Rev. John McCullough, who also built up a large and excellent school; and the same year another in Houston by Rev. Wm. Y. Allen, and at San Augustine another by Rev. Hugh Wilson.

In May, 1837, several ministers formed themselves into an association called "The Ecclesiastical Committee of Vigilance for Texas." They had a committee of correspondence, the object being to protect the ministry against impositions.

In 1837 Charles, Count de Farnessé, came with propositions looking to the separation of the Roman Catholic Church of Texas from diocesan connection with Monterey, in Mexico, and the erection of Texas into an archbishopric, directly connected with the See of Rome. One of the advantages of his plan, it was claimed, would be peace with Mexico through the influence of the Court of Rome, and a recognition by all Catholic foreign courts. It startled the people of Texas to find among his plans the aid of the government in furnishing not only building ground for churches, houses for curates and schools, but to accord to the archbishop, clergy, masters, and mistresses of schools each twelve hundred and eighty acres of land. All the rites and canons of the Church were to be strictly observed under the protection of the government. This proposal was not accepted.

In 1840 Rev. John M. Odin, commissioned as Roman Catholic Vicar-General of Texas, accompanied by several missionaries, came into Texas from Perry County, Missouri. He thereby became the head of the Church in Texas. Bishop Odin abounded in laborious and successful service for his people, and was greatly esteemed and beloved by all who knew him. He was afterward Archbishop of New Orleans, and died in his native France in 1870.

GOVERNOR WOOD'S ADMINISTRATION.

Governor Henderson was succeeded by Governor George T. Wood in 1847. He was a Georgian. He had been identified with Texas since 1836, as a member of Congress *during the Republic* and in the State Senate. In the United

States and Mexican war he commanded a regiment in the storming of Monterey. Wood County, Texas, was named for him, as was Greer County for Lieutenant-Governor John A. Greer, who was elected with Governor Wood in 1847, and re-elected in 1849.

Governor Wood urged the payment of the revolutionary debt, and also the claim of Texas to Santa Fé, or all of New Mexico east of the Rio Grande. This claim had lain idle since the disastrous Santa Fé expedition, until Governor Henderson revived its consideration in the Legislature of 1847. On the annexation of Texas the United States took military possession of Santa Fé, and in the treaty between Mexico and the United States in 1848 it was ceded to the latter as territory belonging to Mexico.

QUESTIONS.—Whom did General Taylor encounter opposite Matamoras ? Did he succeed in crossing ? What did he do ? What are they now called ? What of the scouts under Captain Thornton ? Why did General Taylor move the main body of his troops to Point Isabel ? What occurred at Palo Alto on the 8th ? On the 9th ? What of Matamoras ? What other Texas officers were engaged in the war ? What was the duration of this war ? What of the growth of the Roman Catholic religion ? What of the religion of the colonists ? What was done by Protestant ministers ? Who is credited with preaching the first sermon ? What can you tell of other denominations ? Whom did the Methodist missionaries first send into Texas ? What can you tell of the earliest labors of the Episcopal Church ? When did the first Episcopal bishop arrive ? Who was he ? What of the Old School Presbyterians ? What religious association was formed in 1837 ? What proposition was made to the Texas government in 1837 ? What were the striking features of this proposition ? What distinguished Roman Catholic priest arrived in 1840 ? What can you tell of Bishop Odin ? Who succeeded Henderson in November, 1847 ? What measures did Governor Wood strongly urge ?

CHAPTER LVIII.

CLAIM TO SANTA FÉ REVIVED.

IN 1848 the Texas Legislature revived her claim to Santa Fé, and attempted to establish civil jurisdiction in the territory, sending Judge Spruce M. Baird as a district judge there. This the United States, through the military, dis-

regarded, and the people elected a territorial delegate to Congress.

Governor Wood was succeeded in December, 1849, by Peter Hansborough Bell, a native Virginian, and a private soldier at San Jacinto. He had also served in the Republic and State in several capacities. John A. Greer became Lieutenant-Governor.

The revolutionary debt was still unpaid; the claim to Santa Fé was still asserted by Texas, and denied by the United States; disturbances of land titles, growing out of attempts by certain parties or companies to locate upon lands to which there were prior claims, were disquieting elements to the country.

DISASTERS TO CROPS.

The year 1849 was a disastrous year for the crops. On the night of April 16th there fell a heavy frost. Corn in the southwest was killed in the tassel; cotton, then making bolls, was entirely cut down, and sugar-cane materially damaged. This was followed by a prolonged drought which prevented replanting. Texas was not in a condition to bear such disasters. Many left for California to dig for gold, renting, selling at low figures, or abandoning their lands for the time being.

In 1850 Texas creditors, being urgent for a settlement of their claims, applied to the United States Congress; and, after much discussion by both parties, Texas agreed to the sale of the Santa Fé territory to that country—ninety-eight thousand square miles for ten million dollars. Out of this the revolutionary debt was paid by Texas; the State taxes released to the counties for four years, for building court houses and jails; a State Capitol and other public buildings were erected, and a State Penitentiary was established at Huntsville. The United States reserved from the ten million dollars the sum of five million dollars, to indem-

nify themselves against creditors for whose claims the custom-house revenues had been pledged by Texas.*

December 26, 1851, Texas sustained a loss in the death of General Edward Burleson.†

*On the 4th of March, 1851, Governor Henry Smith died in Los Angeles County, California. He had gone temporarily to the mines to accompany two of his sons. His death was sudden, occurring in his tent, while his sons were absent for a few days' "prospecting." No one was with him but a negro boy who had grown up in the family. On their return they constructed a coffin, and buried him in a small grove of sycamore trees in the cañon, on the largest of which they carved his name, age, and country. The value of Governor Smith's services to Texas cannot be fully estimated. He was not connected actively with the army except as a volunteer at Velasco, where he was wounded; but, at a period when Mexican misrule was too heavy to be borne, and the public sentiment of the country was in a state of ferment as to the remedies to be adopted, Henry Smith declared himself in favor of independence from that country; and, as far as possible, so shaped his course as a statesman, that his every public act should be a step in that direction. His pen furnished for the press of that day much that strengthened the views of the wavering and gave coherency to the independence party. With independence achieved, he would have preferred private life, but, in the first organization of the Republic, President Houston made him Secretary of the Treasury. His services were, as the President declared, "indispensable." His last public service was as a member of Congress from Brazoria County, 1840-41.

†The qualities that distinguished General Edward Burleson were a rare combination. His peculiar fitness for border or Indian warfare received its first inspiration from his father, a captain in the Creek war under General Jackson. In 1831 as a settler in Bastrop County, then on the frontier, Edward Burleson soon won the confidence of his neighbors, and they gladly followed wherever "Ed. Burleson" led the pursuit. He was eager and daring, but not a "Hotspur." Not many months of his life passed without a test of his devotion to Texas, either in battling with savages or Mexicans, or as Vice-President, or in the legislative halls, in the exercise of a statesmanship not learned in the old schools, but in the developed needs of the government as the country progressed. He aspired only to usefulness. When the voluntary suffrages of the people placed him in office he adorned the position by the quiet dignity with which he performed its duties. General Burleson was never jealous himself, nor the cause of jealousy in others. Without the semblance of effeminacy he was personally loved, and most devotedly by those who knew him best. During the last twelve years of his life he was a member of the Baptist Church, and added to the other graces of his character that of a Christian gentleman.

Elisha M. Pease was elected Governor in 1853. He was a native of Connecticut, had been secretary of the Provisional Council, was twice a member of the Legislature, Chairman of the Judiciary Committee, and in the Senate of the third Legislature. Governor Pease was reelected in 1855, and had a peaceful administration, with the exception of "the Cart War," which, from a feud, threatened to grow into a serious outbreak. Governor Pease did much to protect the frontier with State Rangers. The final adjustment of the public debt was under his administration.

THE CART WAR.

A number of Mexicans, to escape the hardships and burdens of their own country, had settled in the southwestern part of Texas, near the San Antonio River. They were



STATE CAPITOL, COMPLETED IN 1855 AND BURNED NOVEMBER 6, 1881.

peaceable, but their settlement served as a refuge for evil characters. With their carts and oxen they could afford cheaper transportation than the Texans engaged in that calling. In consequence, several Mexicans were killed and a *general war* upon them was threatened.

Governor Pease sent out a small armed company who dispersed the assailants, and thus ended "the Cart War." The administration of Governor Pease was wise, conservative, and popular.

There was a steady increase of population and wealth, and an improvement in the condition of the people. Many of the counties built court-houses and jails; the government was economical, and crops were generally good. Two million dollars in United States bonds were added to the school fund.

THE KNOW NOTHING PARTY.

As annexation had been a Democratic measure, so Texas was a Democratic State. A jealousy of the political power of foreigners had been steadily growing in the North, and culminated in 1854, in the secret organization known as the "Know Nothing Party," with the motto, "Let none but Americans rule America."

As Texas was largely dependent on foreign immigration, this party was short-lived in Texas.

During Pease's administration the institutions for the blind and for deaf-mutes, and an asylum for the insane, went into operation. One hundred thousand acres of land were appropriated to each for that purpose.

QUESTIONS.—What claim did Texas revive in 1848? Who was elected Governor in 1849 and re-elected in 1851? How was the Santa Fé claim treated by the United States? What were disquieting elements? What disasters caused failures of crops? For what were the proceeds of the sale of Santa Fé to the United States used? When did Governor Henry Smith die? What other loss did Texas sustain the same year? Who was elected Governor in 1853? Give an account of his two terms. Tell the story of "the Cart War." What was the general condition of the country? What amount was added to the school fund? What of the State politics? Why was this short-lived in Texas? What State institutions went into operation during Pease's administration?

CHAPTER LIX.

RESERVE INDIANS.

FOLLOWING annexation, two tracts of land, called the Brazos and Comanche Reservations, had been appropriated for the collection and instruction of Indians of different tribes. They had stocks of cattle and horses, and their permanent improvement was hoped for. The people in that region accused the Indians of much stealing and a few murders. This was denied by the agent.

Gov. Runnels sent Richard Coke, Dr. J. M. Steiner, George B. Erath, Joseph M. Smith, and John Henry Brown to investigate the matter. Their report to a certain extent sustained the charges, and John Henry Brown, in command of about one hundred rangers, was ordered to patrol the reservations and prevent the Indians from leaving them. About the same time the United States ordered their removal to the Indian country north of Red River. This was effected in August, 1859, and relieved the country of their presence.

RAILROADS.

Several railroad charters had been granted and large bonuses of land pledged, besides the loan of six thousand dollars per mile of school money for roads completed within a stipulated time; these were not progressing, and Governor Runnels advised withdrawing further government aid until existing charters should be complied with, and advised that no more be granted for the present.

HOUSTON'S ADMINISTRATION.

With the close of 1859 Governor Runnels was succeeded by General Sam Houston, who assumed his functions on the eve of portentous events. Houston found the southwestern frontier, bordering the Rio Grande, harassed by a band of

armed Mexicans and Indians under the Mexican Chief Cortina. They had been repeatedly pursued, but found safety by retreating across the river. It became necessary to apply to the United States for permission to follow them into Mexico and disperse them. Colonel Robert E. Lee, U.S.A., then in command at Fort Brown, aided by State troops under Colonel John S. Ford, dispersed them, and peace was secured in that direction.

The Indians, restless and revengeful, renewed their warfare upon the frontier; and the Governor, finding the United States infantry which garrisoned their scattering posts ineffectual in the pursuit of mounted Indians, called into service a regiment under Colonel M. T. Johnson, which served a short time, succeeded by companies of rangers who pursued the Indians into their haunts, and punished them severely. In one of these fights, under Lieutenant L. S. Ross, Cynthia Ann Parker was rescued from the Comanches on the 18th of December, 1860, after a captivity of twenty-four years and seven months.



CHIEF QUANAH PARKER.

QUESTIONS.—Why did the Legislature of 1858 pass resolutions removing the Indians to the Reservation? What was now the condition of the Indians? What complaint was brought against them? Who were sent to investigate the matter? What was their report? How was the matter settled? What had been done for the railroads? What was the state of affairs on the southwestern border at the time of Sam Houston's election as governor? How were matters adjusted? What additional troubles confronted the Governor? How were the Indians punished?

CHAPTER LX.

THE CIVIL WAR BETWEEN THE STATES.

THE Southern States regarded the election of President Lincoln as bearing direct antagonism to the freedom of their domestic institutions, foreshadowed by the agitation of the question of African slavery for many years, and other questions directly affecting their interests.

Governor Houston, as a conservative measure, by proclamation, ordered an election to be held on the first Monday in February, 1861, to elect delegates to a convention of the Southern States, several of which had already seceded from the Union. The people of Texas were unwilling for the delay, and ordered an election to be held January 8, 1861, to meet in Austin, and consider the question of immediate secession. They met on the 28th, the number of delegates being double the number of members in the House of Representatives. They were recognized in their sovereign capacity by the Legislature, then in session, Governor Houston signing the joint resolution to that effect. Oran M. Roberts, a judge of the supreme court, presided over the convention.

An ordinance of secession was passed February 1, 1861, by a vote of one hundred and sixty-seven to seven ; was submitted to the people for ratification or rejection ; and, on the 23d of February, it was ratified by a vote of thirty-nine thousand four hundred and fifteen for, and thirteen thousand eight hundred and forty-one against it. On the 2d of February the convention also adopted "A declaration of the causes which impelled the State of Texas to secede from the Federal Union." The convention on the 4th of February took a recess till March 2d, to audit the vote of the people.

The convention reassembled on the 2d of March, to receive *the vote and take action upon the new condition of affairs.*

Texas, by virtue of this ratification by the people, declared herself once more a "free, sovereign, and independent State," revoking and reassuming all the powers which she had delegated to the United States by annexation.

The convention, by ordinance, then declared Texas to be one of the "Confederate States," which were already organized, with their capital at Montgomery, Alabama; Jefferson Davis being President.

An ordinance for initiating the new State government by the convention was passed on the 14th of March. It was hoped that the existing offices would be filled by the present incumbents, but Governor Houston, his Secretary of State, and the adjutant-general did not acquiesce; whereupon Lieutenant-Governor Clark took the oath, and on the 16th was installed as Governor, the office having been declared vacant. The other officers, all taking the oath, were continued in office in all departments—State, county, and municipal.

The convention appointed commissioners to demand and receive the arms and ammunition from the forts garrisoned by United States troops for the protection of the frontier. In most cases those were delivered up to the commissioners. In no case was there a clash of arms. The officers were paroled, some of them and some of the soldiers joining the Confederate cause.

There was comparatively little fighting on the soil of Texas. The demands made from time to time on the men, aside from the military, between sixteen and sixty years of age, almost stripped the State of white men, and, in multitudes of cases, women took their places as overseers on their own plantations. Usually good crops were made, and the obedience, fidelity, and respectful demeanor of the slaves were remarkable.

In 1861 Frank R. Lubbock * was elected Governor, and

* Francis R. Lubbock was born in Charleston, S. C., in 1815. He was auditor and comptroller under the Republic of Texas; afterward, for six

John M. Crockett Lieutenant-Governor. In May, 1863, General P. O. Hebert proclaimed martial law in all parts of Texas. He was soon succeeded by General J. Bankhead Magruder. The number of troops reported from Texas in the Confederate army was ninety thousand, besides companies of minute men for frontier service—a larger number of men by twenty-five thousand eight hundred and seventy-three than the highest vote the State had ever cast.

As early as July 2, 1861, the port of Galveston was blockaded, and in a short time all Texas ports were closed. Commodore Eagle of the United States Navy afterward took possession of Galveston Island, and raised the United States flag over the custom house. General Magruder determined to retake Galveston. With about five thousand Texas troops, and a brigade of Texas men under General Sibley, who had returned from an unsuccessful expedition into New Mexico, he made careful preparations for the attack.

General Magruder took the land forces to Virginia Point on the 29th of December, 1862. He had fitted up two small steamers, the *Neptune* and *Bayou City*, as gunboats, with two small tenders. These were sent to the head of Galveston Bay to enter the harbor on the night of December 31st. The land forces, with the greatest caution, crossed from Virginia Point over to the Island and took position to begin the fight. The Federal land forces, having taken position on a wharf, removed the planks between them and the shore. Lying at the wharf was the United States Steamer *Harriet Lane*, while lying out in the harbor they had the gunboat *Owasee*, the brig *Westfield*, and the transport *Clifton*, with several smaller vessels.

teen years, district clerk; from 1857 to 1859 lieutenant-governor; from 1861 to 1863 governor. He then served on the staff of the Confederate President Jefferson Davis, and was captured with him; imprisoned at Fort Delaware. From 1885 to 1893 he was State treasurer. His official career, including numerous intervals, spans fifty-six years.

General Magruder began the battle from the island. The improvised gunboats ran up to the *Harriet Lane*. The *Nep-tune* sank in the bay, pierced by a shell, and the *Bayou City* became entangled in the cordage of the *Harriet Lane*, but as the Texians leaped on board she surrendered, her principal officers having been killed. The men on the wharf soon surrendered, and several other small blockading vessels surrendered to the Texians.

The vessels in the harbor left, and the *Westfield*, in endeavoring to leave, ran aground. To prevent her capture by the Texians, her men prepared a fuse to blow her up. Stopping to examine the fuse before finally abandoning her, they remained until the explosion, when Commodore Renshaw and fifteen men were either killed or drowned. The Texians ran down to her as quickly as possible, to rescue any survivors, but not one was found living.

September 6, 1863, an attack was made on a small fort at Sabine Pass. It was garrisoned by only forty-one men. These withheld their fire until the four vessels that led the attack were in full range, when they opened upon them. Two of the gunboats were soon disabled and captured with all on board. The others left the harbor.

DEATH OF HOUSTON.

Governor Sam Houston died July 26, 1863, at his home in Huntsville. He died, aged seventy, while the State to whose prosperity and glory he had devoted the best years of his life was in the throes of a revolution.

GENERAL BANKS.

On the 5th of November, 1863, the Federal General Banks took Brownsville; and, with a fleet of gunboats, passing along the coast, took possession of Corpus Christi, Aransas Pass, Mustang Island, Pass Cavallo, and St. Joseph's Island. Entering the Pass they proceeded up the bay, and by the 26th

had taken possession of Indianola and Lavaca. General Banks neither penetrated into the interior nor retained possession of the coast, but soon left. There was only a nominal Texian command kept in the State and along the coast. The war east of the Mississippi and in Louisiana and Arkansas called for every man and every sacrifice and energy that could be summoned for its prosecution.

Pendleton Murrah was inaugurated on the 5th of November, 1863, as the successor of Governor Lubbock.

The currency of the Confederacy received at par for taxes, and paid out at the same rate as salaries, was not of sufficient value to purchase the necessaries of life.

In February, 1864, the Legislature authorized the Governor to raise a reserve corps as State troops, demanded by the situation of the northern and western counties, where the Indians, unrestrained by rangers and United States troops, and instigated by lawless white men among them, were ravaging that portion of the country.

The new conscript law of the Confederacy left little material of which to form the requisite companies. This state of things brought about a fresh collision of executive authority. The Governor wished the State troops to proceed to their brigade encampments at Houston, and there organize, according to the provisions of the State law, and be transferred to the Confederate service in a body if necessary. Magruder declined to accept them as State troops under any organization, but determined to draw his recruits from the Trans-Mississippi department by application of the conscript requisition.

QUESTIONS.—How was the election of President Lincoln regarded in Texas? What was Governor Houston's wish? What was done? Were they recognized by Houston and the Legislature? Who presided? When was the ordinance of secession passed? By what vote? Was it ratified by the people? What further was done by the convention? When did the convention reassemble? What was the next step? What ordinance was passed on the 14th of March? What was hoped? What of the military posts of the State? What of the war in Texas? What was the military age? Who was elected Governor in 1861? What occurred in 1863? By whom was he succeeded? What was

the number of troops from Texas in the Confederate army? What was done on the coast of Texas? What did Magruder determine? What was the number of his troops? What was the plan of attack? Describe the battle. What disaster happened to the Westfield? What did the Texans do? What further attempt was made on the Texas harbors? What noted Texian died July 26, 1863? What points did the Federal General Banks take in 1863? Did he retain possession? Who succeeded Governor Lubbock? What was done in February, 1864? What of the conscript law of the Confederacy?

CHAPTER LXI.

BANKS' INVASION.

LATE in 1863 General Tom Green of Texas, with General Mouton of Louisiana, conducted a series of movements against the Federals at Fort Donelson, on the Atchafalaya Bayou. General Majors commanded several regiments on the east side, while Green and Mouton were on the west. Much severe fighting occurred, the Texans losing Major A. D. Burns, Colonel James Reiley, and other valued men.

From New Orleans late in March, 1864, General Banks began his famous advance up Red River. Thereupon General E. Kirby Smith, commanding all Confederate troops west of the Mississippi, issued orders for the concentration of all troops then in Louisiana, Southern Arkansas, and Texas, the point of rendezvous being in the region of Mansfield, in Northern Louisiana. By April 7th a fine army had concentrated in that locality to coöperate with General Richard Taylor, then commanding in Louisiana. Banks began his advance up Red River, General Taylor retreating before him.

Among the Texian generals were Brigadier-Generals H. P. Bell, Wm. P. Hardeman, X. B. DeBray, Major-Generals Tom Green and John A. Wharton. At Mansfield, on the 8th of April, and Pleasant Hill, on the 9th, battles were fought. The result of the two days' fighting was the defeat of General Banks' army, which retreated down Red River, seeking wherever practicable the protection of their gun-

boats. On the 14th of April a battle was fought at Blair's Landing, in which Major-General Tom Green was killed.

The Federals having retreated to Alexandria and Atchafalaya, another severe battle occurred at Yellow Bayou, the Texans, under General Wharton, losing heavily. While these movements were being made by General Banks, with a view of uniting with him in northwest Louisiana, the Federal General Steele moved south from Little Rock. Then followed the battle of Poisoned Springs, the Confederates being victorious. The troops north of Red River concentrated under General Magruder as the Federals retreated down Red River. Those on the north from Texas, Arkansas, and Louisiana, moved against Steele, who retreated towards Little Rock, hotly pursued, with more or less fighting daily. The Saline River being very high and overflowed, with wide, timbered bottoms, gave General Steele such an advantage as proved disastrous to the Confederates, whose loss was heavy. Generals Wm. R. Scurry and Horace Randall were killed, besides many other officers and men. This ended the pursuit.

Brownsville, after its abandonment by Banks, was again occupied by Colonel John S. Ford; later General Slaughter became the ranking officer. So matters stood in Texas till the surrender of General Lee in Virginia to General Grant, on the 9th of April, 1865, followed by that of General Joseph E. Johnston to General Sherman in North Carolina, including various commands in adjoining States not with, but under, General Johnston.

Before these events virtually closing the war became known on the Rio Grande, the last battle of the war was fought by Colonel John S. Ford, with troops sent from Brazos, Santiago, and Point Isabel, where there was a large Federal force. On the morning of May 13th Colonel Ford moved from Brownsville, with a small force, down the river to the San Martin Rancho. Here, about two o'clock, P.M., he found Captain Wm. Robinson with a few men skirmishing

with an advance of about fifteen hundred Federals from the direction of Brazos Island. Colonel Ford formed his men and charged. Three times the Federals turned to check them, with loss to themselves. General Slaughter arriving, skirmishing was kept up until dark.

The final formal surrender of the Trans-Mississippi department, including Texas, was made on board a United States flagship, off Galveston bar, on the 2d of June, 1865. General E. Kirby Smith, commander of that department, accompanied by General Magruder and other officers, went on board of the vessel for that purpose. On the 19th the Federal General Granger landed and took military possession.

By proclamation General Granger announced the freedom of the slaves and the suspension of all civil and military authority in Texas as a State of the Confederate Government. Governor Murrah died soon after in Mexico.

For the time being, President Johnson appointed provisional governors for the different States, and soon afterward had conventions called to form new constitutions adapted to the changed conditions. Hon. Andrew J. Hamilton was made provisional Governor of Texas. In a short time he ordered an election for January 8, 1866, to elect delegates to a convention clothed with power to form a new constitution.

The convention met February 10th, and elected James W. Throckmorton as its president. A constitution was formed, and ratified by a vote of the people June 4, 1866, at which time, also, all State, district, and county officers were elected—James W. Throckmorton, Governor, and George W. Janes, Lieutenant-Governor. The Legislature met and organized August 13, 1866, Nathaniel M. Burford of Dallas being elected Speaker of the House of Representatives. The Governor and Lieutenant-Governor were installed, then the provisional government ceased.

The Legislature enacted such laws as were deemed necessary, and adjourned. This action, and President Johnson's

plan of reconstruction were disapproved by Congress, and Texas was again provisionally put under military control, being, with Louisiana, declared to be Military District No. 5, under General Sheridan, with headquarters in New Orleans; while under him, General Griffin, with headquarters in Galveston, commanded Texas. On July 30, 1867, General Sheridan removed Governor Throckmorton, and appointed ex-Governor Pease instead. A new registration of voters was ordered, and the State divided into fifteen registration districts. General Winfield S. Hancock for a time succeeded General Sheridan; in a short time he was superseded by General J. J. Reynolds, with headquarters in Austin.

QUESTIONS. What movement did Generals Green and Mouton conduct in 1863? Whom did the Texans lose? When did General Banks begin his famous advance up Red River? What move did General Kirby Smith order in consequence? With whom were they to cooperate? What officers were among the Texans? Where and when were battles fought? What were the results of these two days' fights? When was the next battle fought? What Confederate general was killed? To where had the Federals retreated? What battle occurred? What was General Banks' object in making these moves? What movements did General Steele make? What battle followed? Describe the movement of troops under Magruder. What gave General Steele an advantage? What generals were killed? Who occupied Brownsville after Banks' abandonment? When did General Lee surrender? Where and when was the last battle of the war fought? Who was in command of the Confederate troops? Where did Ford go on May 13th? Give an account of the skirmishes. When and where did the final formal surrender of the Trans-Mississippi department take place? Who was the commander of that department? What Federal general took military possession? What proclamation did he issue? Where did Governor Murrah die? Who became provisional Governor of Texas? What election did he order? Who was president of the convention? What was the result of this convention? What officers were elected at this time? When did the Legislature meet? Why was Texas again placed under military rule? Under whose control? Who was appointed Governor? What new method of voting was introduced? Who succeeded General Sheridan in command? Who succeeded General Hancock?

CHAPTER LXII.

DAVIS'S ADMINISTRATION—COKE'S ADMINISTRATIONS.

GOVERNOR PEASE resigned as provisional Governor, and from that time till February, 1870, the State was directly *under military government*. A second convention, elected

under orders from General Griffin, assembled June 1, 1868, elected Edmund J. Davis as its president, and was officially recognized by Governor Pease. It sat three months, adjourned, and reassembled December 7th, finally adjourning February 6, 1869. The constitution framed by it was placed in the hands of General E. N. R. Canby, who had it properly enrolled and submitted to the people for ratification or rejection at an election to be held in July, at which time, also, should be elected State and county officers. President Grant changed the date of election to the 30th of November and the first three days of December.

At that time Edmund J. Davis was elected Governor, with a full set of State officers and a new Legislature. A military order declared this election provisional, and ordered the Legislature to meet in provisional session February 5, 1870. It met, ratified the fourteenth and fifteenth amendments to the Constitution, elected Messrs. Morgan C. Hamilton and James W. Flanagan to the United States Senate, and adjourned to await the action of Congress on the new Constitution. Congress accepted the Constitution March 30, and the United States Senators took their seats. During this delay General Reynolds appointed E. J. Davis* provisional Governor. The Legislature, now recognized as regular, reassembled April 26th, and Governor Davis took the oath on the 28th. Thereupon the military powers of the United States ceased to exercise civil power in Texas, and the State, theoretically at least, resumed the rights of self-government. Governor Davis served till January 14, 1874, nearly four years. General Grant was President, and but

* Edmund J. Davis was born in Florida, and came to Galveston in 1848. In 1850 he settled at Laredo, where he served as district attorney; then, for some years, up to the war, as district judge. During the war he was a colonel and brigadier-general in the Union army. He served in the convention of 1866, and presided over that of 1868-69. His term as Governor was from April 28, 1870, to January 14, 1874. He died in Austin during Ireland's administration.

little uneasiness was felt by Texas in regard to the course of the Federal government. They now had to do only with their own State government. The period covering the administration of Governor Davis was one of such bitter animosities, involving such a series of events, as to preclude its elaboration in a school history; the detailed occurrences must be sought in a general history of the State.

The Legislature made grants of six million dollars each to the Texas and Pacific and the International Railroads, to be paid in interest-bearing bonds running thirty years; one set drawing ten, and the other eight per cent. interest, thus aggregating an interest-bearing debt of twelve million dollars. Laws were passed creating a body of State police, reserved militia, and State guard; leaving one per cent. school tax for erecting schoolhouses, creating a large number of State, district, and county school officers, and clothing the Governor with the power of appointing these and others, from town officers to judges of the supreme and district courts, numbering over nine thousand official positions. The Governor was clothed with power to suspend the civil, and, in its stead, to proclaim martial law at his discretion. At different times this power was exercised in the counties of Limestone, Marion, Hill, Walker, and others.

In 1871 there assembled in Austin a Tax Payer's State Convention, non-partisan in character, and largely composed of men who had opposed secession and adhered to the Union during the war. Among these was its president, ex-Governor Pease, ex-Governor Andrew J. Hamilton, and others of the same class.

This body, in an elaborate exposition, recited and condemned the acts complained of, as tending to inevitable bankruptcy.

The thirteenth Legislature assembled January 14, 1873. It sat till June and did much in correcting the abuses complained of in regard to elections, martial law, State police, and

other matters. It rid the State of the six millions impending bonds to the Texas and Pacific Railroad, by substituting land instead of bonds. In November, 1873, Richard Coke was elected Governor, and Richard B. Hubbard Lieutenant-Governor. One-half the Senate and a full House of Representatives were also elected.

COKE'S FIRST ADMINISTRATION.

The fourteenth Legislature assembled in January. Governor Davis assumed that his term should continue to April 28th, four years from his installation. Four years was the general constitutional term; but a special clause, in order to avoid confusion as to the time of subsequent elections, provided that the first Governor should serve four years from his election. There was much excitement.

President Grant refused Governor Davis's application for troops to maintain his position. Thus admonished, the Governor retired on the night of January 13-14, 1874. Coke and Hubbard were sworn in, both branches of the Legislature organized, and the last semblance of authority not springing from the voluntary action of the people disappeared.

The promised six millions of bonds pledged by the twelfth Legislature to the International Railroad were substituted by a grant of lands. Under Coke's first administration much was done to further correct evils complained of; but the most important step taken was the enactment of a law, March 15, 1875, calling a convention to form a new constitution. The delegates were elected August 2, 1875, and assembled in Austin, September 6th. After framing a constitution, and submitting it for ratification or rejection by the people at an election to be held February 18, 1876, the convention adjourned November 25, 1875. At the election in February there were one hundred and thirty-six thousand six hundred and six votes cast for the constitution, and fifty-six thousand six hundred and fifty-two against; thus it

was ratified by a majority of seventy-nine thousand nine hundred and fifty-four. The new constitution was to take effect April 18, 1876, hence it is known as the constitution of 1876.*

At the same election in February a new Legislature was chosen and a full set of State officers; Governor Coke and Lieutenant-Governor Hubbard were reelected.

The Legislature assembled and organized April 18th, Thomas R. Bonner being Speaker of the House. Coke† and Hubbard were reinaugurated on the 25th.

On the 5th of May, Governor Coke was elected to the United States Senate, resigned the governorship December 1st, when Lieutenant-Governor Hubbard became Governor, with a little over a full term to serve.

Among the reforms under Governor Coke, the financial condition of the State rapidly improved—State bonds rose from a greatly depreciated value to a little above par; the enormous State taxes were reduced from two dollars and thirty cents on the hundred dollars valuation to fifty cents; the public debt was reduced four hundred thousand dollars; the frontiers were better protected and extended, and the State institutions fostered.

QUESTIONS.—When did a second convention assemble? Who was president? How long did it sit? When did it reassemble? What of the constitution framed by it? What officers were elected at the same time? What change did President Grant make? Who was elected Governor? What did the military order declare? What did they order? What did they do on meeting? For what did they adjourn? Did Congress accept the

* This constitution, as since amended, is yet in force, and is appended in full, as now existing, to this school history.

† Richard Coke was born in Williamsburg, Va., in 1829, came to Waco, Texas, his present home, in 1853; a member of the Secession Convention, and a captain in the Confederate army; served as a judge after the war; Governor in January, 1874; in the United States Senate since 1876; present term expires March, 1895.

In order to fix all future elections for November, the terms of these first *officers were to run from January, 1877, thus making this term two years and nine months.*

constitution ? Who acted as Governor during this delay ? When did the Legislature re-assemble ? How long did Governor Davis serve ? Who was President at this time ? What of the period during Davis's term ? What was done by the Legislature ? What convention assembled in 1871 ? What did it do ? When did the thirteenth Legislature meet ? When was Coke elected Governor ? Who was Lieutenant-Governor ? When did the fourteenth Legislature meet ? What did Governor Davis claim ? Was he successful ? To whom did he appeal ? What did President Grant reply ? When were Coke and Hubbard sworn in ? What of the bonds pledged to the International Railroad by the twelfth Legislature ? What was the most important act of Coke's first administration ? When did the convention meet ? When did it adjourn ? By what majority was it adopted ? As what is it known ? Who were Governor and Lieutenant-Governor at this same election ? What were some of the reforms of Coke's administration ?

CHAPTER LXIII.

HUBBARD'S ADMINISTRATION,

BEGINNING December 1, 1876, was a continuation of the reforms earnestly advocated by him as Lieutenant-Governor, during the two terms of Governor Coke. A new penitentiary was established at the iron mines of Rusk, in Cherokee County ; the public debt was reduced a million of dollars ; the cause of education was much advanced.

The administrations of both Coke and Hubbard,* by their wise and economic, yet progressive, measures, added greatly to the general prosperity.

ROBERTS'S TWO ADMINISTRATIONS.

Oran M. Roberts, by a large majority, became Governor January, 1879.†

* Richard B. Hubbard was born in Walton County, Georgia. He graduated from the University of Virginia, and from the law department of Harvard ; settled at Tyler, Texas, still his home, in 1852. He served in the Legislature, and was United States District Attorney before the Civil War ; was a colonel in the Confederate army ; Lieutenant-Governor from January, 1874, to December, 1876 ; then Governor till January, 1876 ; American Minister to Japan from 1885 to 1889. His speech at the Philadelphia Centennial Exposition in 1876 gave him a national reputation as an orator.

† He was reared in Alabama, came to East Texas in 1840 or '41, had been district judge and a member of the Supreme Court before the Civil War, president of the Secession Convention, a colonel in the Confederate army ;

He urged upon the Legislature the policy of "paying as you go;" in other words, reducing the public expenses within the public revenues; for this emergency recommending a less appropriation for public schools. This caused opposition, but when, after a fair trial, it was shown that twenty-two thousand more children than ever before had been taught for a longer time, by a better grade of teachers, for one hundred and ninety-seven thousand dollars less money, the public sustained him. He was reëlected and took the oath of office January, 1881. At the close of his first term there remained in the treasury three hundred thousand dollars for current expenses, and fifty thousand dollars to diminish the public debt. A million additional acres of land were set apart to the university, and three hundred and twenty-five leagues were surveyed and reserved as a special school fund for counties yet to be organized. Joseph D. Sayers was the first, and Leonidas J. Story the second Lieutenant-Governor under Roberts.

JOHN IRELAND'S ADMINISTRATIONS

began in 1883, when he succeeded Roberts, and was re-ëlected two years later. Marion Martin was Lieutenant-Governor during the first term, and Barnett Gibbs during the second.

Some grave questions were wisely met and settled by Governor Ireland;* among these was the matter of immense inclosure of land by wire fencing, for stock-raising purposes, chiefly in the northwest and southwest portions of the State.

and, after reconstruction, up to this time, as Chief Justice of the Supreme Court. After four years as Governor, he became Professor of Law in the State University till his resignation in 1893.

* Governor Ireland was born in Hart County, Kentucky, January, 1, 1827. He settled in Seguin, Texas, in 1853. He served in the Secession Convention, also in that of 1866; then in the Senate; in the House in 1873; next in the Senate; afterwards in the Supreme Court, from which he resigned; was major and lieutenant-colonel in the Confederate army.

This led to the cutting of such fencing by smaller holders, who greatly outnumbered the large proprietors. This difficulty, threatening great evils, was quieted by measures doing



STATE UNIVERSITY.

wrong to none. Complications in regard to the penitentiaries were overcome. Under an act for that purpose he purchased for the State the grounds of the Alamo, a spot hallowed in the history of the State. Governor Ireland also took steps which led to the repayment by the United States of about a million dollars previously expended by Texas for frontier protection.

ROSS'S TWO ADMINISTRATIONS.

General Ross* succeeded Ireland in January, 1887, and

* Lawrence Sullivan Ross was born in Iowa, in 1838, his parents being recent settlers from Lincoln County, Missouri, who came to Texas in 1840. Educated in an Alabama college, when twenty years old he commanded a large company of friendly Indians under Major Earl Van Dorn in the battle of Antelope Hills in 1858. He commanded as captain, in 1860, in the fight on Pease River, in which Cynthia Ann Parker was rescued. He served in the Confederate army as major, colonel, and brigadier-general from 1861 to 1865; afterward sheriff of McLennan County, senator, a member of Constitutional

was reelected in 1889. Thomas B. Wheeler was Lieutenant-Governor during both terms.

During his terms of office a second insane asylum was located at Terrell, and a third provided for at San Antonio, now in operation; a State reformatory for boys, located at Gatesville; the magnificent Capitol, provided for during



NEW STATE CAPITOL.

Roberts's administration, at a cost of three million acres of land, and prosecuted through Governor Ireland's terms, was completed and accepted.

HOGG'S TWO ADMINISTRATIONS.

In January, 1891, James S. Hogg* became Governor, George C. Pendleton of Bell, Lieutenant-Governor.

Convention of 1875. He retired from the governorship in 1891, and was called to the presidency of the State Agricultural and Mechanical College at Beyan.

* James S. Hogg was born in Cherokee County, Texas, and is the first native of the State to become its Chief Magistrate.

He first became a printer, then editor and lawyer, serving two terms as *district attorney*. From 1887 to 1891 he served two terms as *Attorney-General of the State*.

Governor Hogg's second term began January, 1893, A. M. Crane of Johnson County being Lieutenant-Governor.

The Legislature in 1891 passed two laws of great importance, upon which the public became divided.

These new laws were, one creating a State Railroad Commission of three persons, clothed with power to regulate charges in the State, and prevent discriminations against persons or places. The other law was in relation to foreigners or aliens holding land in Texas.

Governor Hogg reconvened the Legislature March 14, 1892, and that body modified the Alien Land Law in a manner designed to remedy alleged defects. United States Senator John H. Reagan was appointed President of the Railroad Commission; his seat in the Senate was temporarily filled by Horace Chilton of Smith County until March, 1892, when Roger Q. Mills of Navarro, then serving his twentieth year in Congress, was elected to complete the term ending March 4, 1893; but in January, 1893, he was elected for a full term of six years, from March, 1893.

Governor Hogg's administrations have fallen during a recurrence of one of the periodic financial disturbances which have visited the United States at intervals since the last war with Great Britain. During his terms of office great changes have been made in the constitution and laws in the judicial department of the government, favorable to a more prompt and less expensive administration of justice.

THE COURTS.

1. A supreme court of three judges.
2. Five supreme districts of three judges each, to which appeals lie in all civil cases from the district courts, consisting of one judge each, under which a court is held in every organized county. Decisions in the supreme districts are final, excepting in certain specified cases wherein appeal may be taken to the State Supreme Court.

3. A State Criminal Court of Appeals, holding annual sessions at Dallas, Austin, and Galveston. To this court appeals lie in all criminal cases from the district courts; or, where criminal district courts exist by special enactment, and having exclusive criminal jurisdictions, as in Galveston, Houston, Dallas, and a few other counties, the appeals lie directly to the Court of Appeals.

CONCLUSION.

The men of Red River and the Gulf, those of the East and the West, stood shoulder to shoulder against Mexicans and Indians, heart to heart in loyalty, and, together, with knitted brows, wrought out the problems of Texas as an independent republic, as a State of the Union, as a State of the Confederacy; and, like brave and true men, made the best of their disappointment, and Texas took her place again among the States of the Union. Now, with her distant borders drawing more and more closely together, she presents herself with her immense geographical proportions, her accumulated experience, the rapid development of her numberless and exhaustless resources, the steady march of her progress in all that tends to elevate and adorn social life—a rival in all. Her history and the star of her destiny are a legacy challenging the eternal vigilance of her people.

QUESTIONS. —When did Hubbard become Governor? What improvements were made during his administration? What of the State debt? What of the cause of education? When was Roberts elected Governor? What was his policy? What, as an emergency, did he urge with regard to the school funds? What did the people finally conclude? When was he reelected? Give an account of his second administration. When was Ireland elected Governor? When was he reelected? What were some of the grave questions of Ireland's administration? What of the penitentiaries? What purchase was made? What payment was made by the United States? What of a reformatory? What of the new capitol? When was Ross first elected Governor? When was he reelected? What important matters came up during his two terms? When was Hogg elected Governor? What new laws were enacted? Why did Governor Hogg reconvene the Legislature? Who was appointed president of the Railroad Commission? Who temporarily filled Reagan's seat in Congress? For how long a time? Who was elected to complete the term? When was he elected for a term? What changes have been made with regard to laws in the judicial department?

CONSTITUTION

OF THE

STATE OF TEXAS.

ADOPTED BY THE CONSTITUTIONAL CONVENTION BEGUN
AND HELD AT THE CITY OF AUSTIN ON THE
SIXTH DAY OF SEPTEMBER, 1875.

WITH

AMENDMENTS DECLARED ADOPTED OCT. 14, 1879; SEPT. 25, 1883;
DEC. 19, 1890; AND SEPT. 22, 1891.

PREAMBLE.

HUMBLY invoking the blessings of Almighty God, the people of the State of Texas do ordain and establish this Constitution.

ARTICLE I.

BILL OF RIGHTS.

That the general, great, and essential principles of liberty and free government may be recognized and established, we declare :

SECTION 1. Texas is a free and independent state, subject only to the constitution of the United States ; and the maintenance of our free institutions and the perpetuity of the Union depend upon the preservation of the right of local self-government unimpaired to all the states.

SEC. 2. All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit. The faith of the people of Texas stands pledged to the preservation of a republican form of government, and, subject to this limitation only, they have at all times the inalienable right to alter, reform or abolish their government in such manner as they may think expedient.

SEC. 3. All free men when they form a social compact, have equal rights, and no man or set of men, is entitled to exclusive separate public emoluments or privileges, but in consideration of public services.

SEC. 4. No religious test shall ever be required as a qualification to any office, or public trust, in this state ; nor shall any one be excluded from holding office on account of his religious sentiments, provided he acknowledge the existence of a Supreme Being.

SEC. 5. No person shall be disqualified to give evidence in any of the courts of this state on account of his religious opinions, or for want of any religious belief, but all oaths or affirmations shall be administered in the mode most binding upon the conscience, and shall be taken subject to the pains and penalties of perjury.

SEC. 6. All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences. No man shall be compelled to attend, erect or support any place of worship, or to maintain any ministry against his consent. No human authority ought, in any case whatever, to control or interfere with the rights of conscience in matters of religion, and no preference shall ever be given by law to any religious society or mode of worship. But it shall be the duty of the legislature to pass such laws as may be necessary to protect equally every religious denomination in the peaceable enjoyment of its own mode of public worship.

SEC. 7. No money shall be appropriated or drawn from the treasury for the benefit of any sect or religious society, theological or religious seminary ; nor shall property belonging to the state be appropriated for any such purposes.

SEC. 8. Every person shall be at liberty to speak, write or publish his opinions on any subject, being responsible for the abuse of that privilege ; and no law shall ever be passed curtailing the liberty of speech or of the press. In prosecutions for the publication of papers investigating the conduct of officers or men in public capacity, or when the matter published is proper for public information, the truth thereof may be given in evidence. And in all indictments for libels the jury shall have the right to determine the law and the facts, under the direction of the court, as in other cases.

SEC. 9. The people shall be secure in their persons, houses, papers, and possessions from all unreasonable seizures or searches, and no warrant to search any place, or to seize any person or thing, shall issue without describing them as near as may be, nor without probable cause, supported by oath or affirmation.

SEC. 10. In all criminal prosecutions the accused shall have a speedy public trial by an impartial jury. He shall have the right to demand the nature and cause of the accusation against him, and to have a copy thereof. He shall not be compelled to give evidence against himself. He shall have the right of being heard by himself or counsel or both ; shall be confronted with the witnesses against him, and shall have compulsory process for obtaining witnesses in his favor. And no person shall be held to answer for a criminal offense, unless on indictment of a grand jury, except in cases in which the punishment is by fine, or imprisonment otherwise than in the penitentiary, in cases of impeachment, and in cases arising in the army or navy, or in the militia, when *in actual service* in time of war or public danger.

SEC. 11. All prisoners shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident ; but this provision shall not be so construed as to prevent bail after indictment found, upon examination of the evidence in such manner as may be prescribed by law.

SEC. 12. The writ of *habeas corpus* is a writ of right, and shall never be suspended. The legislature shall enact laws to render the remedy speedy and effectual.

SEC. 13. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted. All courts shall be open, and every person for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law.

SEC. 14. No person, for the same offense, shall be twice put in jeopardy of life or liberty ; nor shall a person be again put upon trial for the same offense after a verdict of not guilty in a court of competent jurisdiction.

SEC. 15. The right of trial by jury shall remain inviolate. The legislature shall pass such laws as may be needed to regulate the same, and to maintain its purity and efficiency.

SEC. 16. No bill of attainder, *ex post facto* law, retroactive law, or any law impairing the obligation of contracts, shall be made.

SEC. 17. No person's property shall be taken, damaged or destroyed for or applied to public use without adequate compensation being made, unless by the consent of such person ; and, when taken, except for the use of the state, such compensation shall be first made, or secured by a deposit of money ; and no irrevocable or uncontrollable grant of special privileges or immunities shall be made ; but all privileges and franchises granted by the legislature, or created under its authority, shall be subject to the control thereof.

SEC. 18. No person shall ever be imprisoned for debt.

SEC. 19. No citizen of this state shall be deprived of life, liberty, property, privileges or immunities, or in any manner disfranchised, except by the due course of the law of the land.

SEC. 20. No citizen shall be outlawed ; nor shall any person be transported out of the state for any offense committed within the same.

SEC. 21. No conviction shall work corruption of blood, or forfeiture of estate ; and the estates of those who destroy their own lives shall descend or vest as in case of natural death.

SEC. 22. Treason against the state shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort ; and no person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or on confession in open court.

SEC. 23. Every citizen shall have the right to keep and bear arms in the lawful defense of himself or the state ; but the legislature shall have power by law to regulate the wearing of arms with a view to prevent crime.

SEC. 24. The military shall at all times be subordinate to the civil authority.

SEC. 25. No soldier shall in time of peace be quartered in the house of any citizen without the consent of the owner, nor in time of war but in a manner prescribed by law.

SEC. 26. Perpetuities and monopolies are contrary to the genius of a free government, and shall never be allowed ; nor shall the law of primogeniture or entailments ever be in force in this state.

SEC. 27. The citizens shall have the right, in a peaceable manner, to assemble together for their common good, and apply to those invested with the powers of government for redress of grievances or other purposes, by petition, address, or remonstrance.

SEC. 28. No power of suspending laws in this state shall be exercised except by the legislature.

SEC. 29. To guard against transgressions of the high powers herein delegated, we declare that everything in this "Bill of Rights" is excepted out of the general powers of government, and shall forever remain inviolate, and all laws contrary thereto, or to the following provisions, shall be void.

ARTICLE II.

THE POWERS OF GOVERNMENT.

SECTION 1. The powers of the government of the State of Texas shall be divided into three distinct departments, each of which shall be confided to a separate body of magistracy, to wit : Those which are legislative to one, those which are executive to another, and those which are judicial to another : and no person, or collection of persons, being of one of these departments, shall exercise any power properly attached to either of the others, except in the instances herein expressly permitted.

ARTICLE III.

LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative power of this state shall be vested in a senate and house of representatives, which together shall be styled "The Legislature of the State of Texas."

SEC. 2. The Senate shall consist of thirty-one members, and shall never be increased above this number. The house of representatives shall consist of ninety-three members until the first apportionment after the adoption of this constitution, when, or at any apportionment thereafter, the number of representatives may be increased by the legislature, upon the ratio of not more than one representative for every fifteen thousand inhabitants ; *provided*, the number of representatives shall never exceed one hundred and fifty.

SEC. 3. The senators shall be chosen by the qualified electors for the term of four years ; but a new senate shall be chosen after every apportionment, and the senators elected after each apportionment shall be divided by lot into two classes. The seats of the senators of the first class shall be vacated at the expiration of the first two years, and those of the second class at the expiration of four years, so that one-half of the senators shall be chosen biennially thereafter.

SEC. 4. The members of the house of representatives shall be chosen by the qualified electors, and their term of office shall be two years from the day of their election.

SEC. 5. The legislature shall meet every two years, at such time as may be provided by law, and at other times when convened by the *governor*.

SEC. 6. No person shall be a senator unless he be a citizen of the United States, and at the time of his election a qualified elector of this state, and shall have been a resident of this state five years next preceding his election, and the last year thereof a resident of the district for which he shall be chosen, and shall have attained the age of twenty-six years.

SEC. 7. No person shall be a representative unless he be a citizen of the United States, and at the time of his election a qualified elector of this state, and shall have been a resident of this state two years next preceding his election, the last year thereof a resident of the district for which he shall be chosen, and shall have attained the age of twenty-one years.

SEC. 8. Each house shall be the judge of the qualifications and election of its own members ; but contested elections shall be determined in such manner as shall be provided by law.

SEC. 9. The senate shall, at the beginning and close of each session, and at such other times as may be necessary, elect one of its members president *pro tempore*, who shall perform the duties of the lieutenant-governor in any case of absence or disability of that officer, and whenever the said office of lieutenant-governor shall be vacant. The house of representatives shall, when it first assembles, organize temporarily, and thereupon proceed to the election of a speaker from its own members ; and each house shall choose its other officers.

SEC. 10. Two-thirds of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as each house may provide.

SEC. 11. Each house may determine the rules of its own proceedings, punish members for disorderly conduct, and, with the consent of two-thirds, expel a member, but not a second time for the same offense.

SEC. 12. Each house shall keep a journal of its proceedings, and publish the same ; and the yeas and nays of the members of either house on any question shall, at the desire of any three members present, be entered on the journals.

SEC. 13. When vacancies occur in either house, the governor, or the person exercising the power of the governor, shall issue writs of election to fill such vacancies ; and should the governor fail to issue a writ of election to fill any such vacancy within twenty days after it occurs, the returning officer of the district in which such vacancy may have happened shall be authorized to order an election for that purpose.

SEC. 14. Senators and representatives shall, except in cases of treason, felony or breach of the peace, be privileged from arrest during the session of the legislature, and in going to and returning from the same, allowing one day for every twenty miles such member may reside from the place at which the legislature is convened.

SEC. 15. Each house may punish, by imprisonment, during its sessions, any person not a member, for disrespectful or disorderly conduct in its presence, or for obstructing any of its proceedings ; *provided*, such imprisonment shall not, at any one time, exceed forty-eight hours.

SEC. 16. The sessions of each house shall be open, except the senate when in executive session.

SEC. 17. Neither house shall, without the consent of the other, adjourn

for more than three days, nor to any other place than that where the legislature may be sitting.

SEC. 18. No senator or representative shall, during the term for which he may be elected, be eligible to any civil office of profit under this state which shall have been created or the emoluments of which may have been increased during such term; no member of either house shall, during the term for which he is elected, be eligible to any office or place, the appointment to which may be made, in whole or in part, by either branch of the legislature; and no member of either house shall vote for any other member for any office whatever, which may be filled by a vote of the legislature, except in such cases as are in this constitution provided. Nor shall any member of the legislature be interested, either directly or indirectly, in any contract with the state, or any county thereof, authorized by any law passed during the term for which he shall have been elected.

SEC. 19. No judge of any court, secretary of state, attorney-general, clerk of any court of record, or any person holding a lucrative office under the United States, or this state, or any foreign government, shall, during the term for which he is elected or appointed, be eligible to the legislature.

SEC. 20. No person who at any time may have been a collector of taxes, or who may have been otherwise entrusted with public money, shall be eligible to the legislature, or to any office of profit or trust under the state government, until he shall have obtained a discharge for the amount of such collections, or for all public moneys with which he may have been entrusted.

SEC. 21. No member shall be questioned in any other place for words spoken in debate in either house.

SEC. 22. A member who has a personal or private interest in any measure or bill, proposed or pending before the legislature, shall disclose the fact to the house of which he is a member, and shall not vote thereon.

SEC. 23. If any senator or representative remove his residence from the district or county for which he was elected, his office shall thereby become vacant, and the vacancy shall be filled as provided in section 13 of this article.

SEC. 24. The members of the legislature shall receive from the public treasury such compensation for their services as may from time to time be provided by law, not exceeding five dollars per day for the first sixty days of each session; and after that not exceeding two dollars per day for the remainder of the session; except the first session held under this constitution, when they may receive not exceeding five dollars per day for the first ninety days, and after that not exceeding two dollars per day for the remainder of the session. In addition to the per diem, the members of each house shall be entitled to mileage in going to and returning from the seat of government, which mileage shall not exceed five dollars for every twenty-five miles, the distance to be computed by the nearest and most direct route of travel by land regardless of railways or water routes; and the comptroller of the state shall prepare and preserve a table of distances to each county seat now or hereafter to be established, *and by such table the mileage of each member shall be paid; but no*

member shall be entitled to mileage for any extra session that may be called within one day after the adjournment of a regular or called session.

SEC. 25. The state shall be divided into senatorial districts of contiguous territory according to the number of qualified electors, as nearly as may be, and each district shall be entitled to elect one senator, and no single county shall be entitled to more than one senator.

SEC. 26. The members of the house of representatives shall be apportioned among the several counties, according to the number of population in each, as nearly as may be, on a ratio obtained by dividing the population of the state, as ascertained by the most recent United States census, by the number of members of which the house is composed; *provided*, that whenever a single county has sufficient population to be entitled to a representative, such county shall be formed into a separate representative district, and when two or more counties are required to make up the ratio of representation, such counties shall be contiguous to each other; and when any one county has more than sufficient population to be entitled to one or more representatives, such representative or representatives shall be apportioned to such county, and for any surplus of population it may be joined in a representative district with any other contiguous county or counties.

SEC. 27. Elections for senators and representatives shall be general throughout the state, and shall be regulated by law.

SEC. 28. The legislature shall, at its first session after the publication of each United States decennial census, apportion the state into senatorial and representative districts, agreeably to the provisions of sections 25 and 26 of this article; and until the next decennial census, when the first apportionment shall be made by the legislature, the state shall be and it is hereby divided into senatorial and representative districts as provided by an ordinance of the convention on that subject.

PROCEEDINGS.

SEC. 29. The enacting clause of all laws shall be, "Be it enacted by the legislature of the State of Texas."

SEC. 30. No law shall be passed except by bill, and no bill shall be so amended in its passage through either house as to change its original purpose.

SEC. 31. Bills may originate in either house, and when passed by such house may be amended, altered, or rejected by the other.

SEC. 32. No bill shall have the force of a law until it has been read on three several days in each house, and free discussion allowed thereon; but in cases of imperative public necessity (which necessity shall be stated in a preamble, or in the body of the bill), four-fifths of the house in which the bill may be pending may suspend this rule, the yeas and nays being taken on the question of suspension, and entered upon the journals.

SEC. 33. All bills for raising revenue shall originate in the house of representatives, but the senate may amend or reject them as other bills.

SEC. 34. After a bill has been considered and defeated by either house of the legislature, no bill containing the same substance shall be ~~passed~~ into a law during the same session. After a resolution has been acted

on and defeated, no resolution containing the same substance shall be considered at the same session.

SEC. 35. No bill (except general appropriation bills, which may embrace the various subjects and accounts for and on account of which moneys are appropriated) shall contain more than one subject, which shall be expressed in its title. But if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be so expressed.

SEC. 36. No law shall be revived or amended by reference to its title; but in such case the act revived or the section or sections amended shall be re-enacted and published at length.

SEC. 37. No bill shall be considered, unless it has been first referred to a committee and reported thereon; and no bill shall be passed which has not been presented and referred to and reported from a committee at least three days before the final adjournment of the legislature.

SEC. 38. The presiding officer of each house shall, in the presence of the house over which he presides, sign all bills and joint resolutions passed by the legislature, after their titles have been publicly read before signing; and the fact of signing shall be entered on the journals.

SEC. 39. No law passed by the legislature, except the general appropriation act, shall take effect or go into force until ninety days after the adjournment of the session at which it was enacted, unless, in case of an emergency, which emergency must be expressed in a preamble or in the body of the act, the legislature shall, by a vote of two-thirds of all the members elected to each house, otherwise direct; said vote to be taken by yeas and nays, and entered upon the journals.

SEC. 40. When the legislature shall be convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the governor calling such session, or presented to them by the governor; and no such session shall be of longer duration than thirty days.

SEC. 41. In all elections by the senate and house of representatives, jointly or separately, the vote shall be given *viva voce*, except in the election of their officers.

REQUIREMENTS AND LIMITATIONS.

SEC. 42. The legislature shall pass such laws as may be necessary to carry into effect the provisions of this constitution.

SEC. 43. The first session of the legislature under this constitution shall provide for revising, digesting and publishing the laws, civil and criminal; and a like revision, digest and publication may be made every ten years thereafter: *provided*, that in the adoption of and giving effect to any such digest or revision, the legislature shall not be limited by sections 35 and 36 of this article.

SEC. 44. The legislature shall provide by law for the compensation of all officers, servants, agents and public contractors, not provided for in this constitution, but shall not grant extra compensation to any officer, agent, servant or public contractors, after such public service shall have been performed or contract entered into for the performance of the same; *nor grant, by appropriation or otherwise, any amount of money out of*

the treasury of the state, to any individual, on a claim, real or pretended, when the same shall not have been provided for by pre-existing law; nor employ any one in the name of the state unless authorized by pre-existing law.

SEC. 45. The power to change the venue in civil and criminal cases shall be vested in the courts, to be exercised in such manner as shall be provided by law; and the legislature shall pass laws for that purpose.

SEC. 46. The legislature shall, at its first session after the adoption of this constitution, enact effective vagrant laws.

SEC. 47. The legislature shall pass laws prohibiting the establishment of lotteries and gift enterprises in this state, as well as the sale of tickets in lotteries, gift enterprises or other evasions involving the lottery principle, established or existing in other states.

SEC. 48. The legislature shall not have the right to levy taxes or impose burdens upon the people, except to raise revenue sufficient for the economical administration of the government, in which may be included the following purposes :

The payment of all interest upon the bonded debt of the state;

The erection and repairs of public buildings;

The benefit of the sinking fund, which shall not be more than two per centum of the public debt; and for the payment of the present floating debt of the state, including matured bonds for the payment of which the sinking fund is inadequate;

The support of public schools, in which shall be included colleges and universities established by the state; and the maintenance and support of the Agricultural and Mechanical College of Texas;

The payment of the cost of assessing and collecting the revenue; and the payment of all officers, agents and employees of the state government, and all incidental expenses connected therewith ;

The support of the blind asylum, the deaf and dumb asylum, and the insane asylum, the state cemetery and the public grounds of the state;

The enforcement of quarantine regulations on the coast of Texas;

The protection of the frontier.

SEC. 49. No debt shall be created by or on behalf of the state, except to supply casual deficiencies of revenue, repel invasion, suppress insurrection, defend the state in war, or pay existing debt; and the debt created to supply deficiencies in the revenue shall never exceed in the aggregate at any one time two hundred thousand dollars.

SEC. 50. The legislature shall have no power to give or to lend, or to authorize the giving or lending, of the credit of the state in aid of, or to any person, association or corporation, whether municipal or other, or to pledge the credit of the state, in any manner whatsoever, for the payment of the liabilities, present or prospective, of any individual, association of individuals, municipal or other corporation whatsoever.

SEC. 51. The legislature shall have no power to make any grant, or authorize the making of any grant, of public money to any individual, association of individuals, municipal or other corporation whatsoever ; *provided*, that this shall not be so construed as to prevent the grant of aid in case of public calamity.

SEC. 52. The legislature shall have no power to authorize any county, city, town, or other political corporation or subdivision of the state, to

lend its credit or to grant public money or thing of value, in aid of or to any individual, association or corporation whatsoever; or to become a stockholder in such corporation, association or company.

SEC. 53. The legislature shall have no power to grant, or to authorize any county or municipal authority to grant, any extra compensation, fee or allowance to a public officer, agent, servant or contractor, after service has been rendered, or a contract has been entered into, and performed in whole or in part; nor pay, nor authorize the payment of, any claim created against any county or municipality of the state, under any agreement or contract made without authority of law.

SEC. 54. The legislature shall have no power to release or alienate any lien held by the state upon any railroad, or in anywise change the tenor or meaning or pass any act explanatory thereof; but the same shall be enforced in accordance with the original terms upon which it was acquired.

SEC. 55. The legislature shall have no power to release or extinguish, or to authorize the releasing or extinguishing, in whole or in part, the indebtedness, liability or obligation of any incorporation or individual to this state, or to any county, or other municipal corporation therein.

SEC. 56. The legislature shall not, except as otherwise provided in this constitution, pass any local or special law, authorizing—

The creation, extension, or impairing of liens ;

Regulating the affairs of counties, cities, towns, wards or school districts ;

Changing the names of persons or places ;

Changing the venue in civil or criminal cases ;

Authorizing the laying out, opening, altering or maintaining of roads, highways, streets or alleys ;

Relating to ferries or bridges, or incorporating ferry or bridge companies, except for the erection of bridges crossing streams which form boundaries between this and any other state ;

Vacating roads, town plats, streets or alleys ;

Relating to cemeteries, graveyards, or public grounds not of the state ;

Authorizing the adoption or legitimation of children ;

Locating or changing county seats ;

Incorporating cities, towns or villages, or changing their charters ;

For the opening and conducting of elections, or fixing or changing the places of voting ;

Granting divorces ;

Creating offices, or prescribing the powers and duties of officers, in counties, cities, towns, election or school districts ;

Changing the law of descent or succession ;

Regulating the practice or jurisdiction of, or changing the rules of evidence in any judicial proceeding or inquiry before courts, justices of the peace, sheriffs, commissioners, arbitrators or other tribunals, or providing or changing methods for the collection of debts, or the enforcing of judgments, or prescribing the effect of judicial sales of real estate ;

Regulating the fees, or extending the powers and duties of aldermen, justices of the peace, magistrates or constables ;

Regulating the management of public schools, the building or repairing of school houses, and the raising of money for such purposes ;

Fixing the rate of interest;
 Affecting the estates of minors, or persons under disability;
 Remitting fines, penalties and forfeitures, and refunding moneys legally paid into the treasury;
 Exempting property from taxation;
 Regulating labor, trade, mining and manufacturing;
 Declaring any named person of age;
 Extending the time for the assessment or collection of taxes, or otherwise relieving any assessor or collector of taxes from the due performance of his official duties, or his securities from liability;
 Giving effect to informal or invalid wills or deeds;
 Summoning or impanneling grand or petit juries;
 For limitation of civil or criminal actions;
 For incorporating railroads or other works of internal improvements;
 And in all other cases where a general law can be made applicable, no local or special law shall be enacted; *provided*, that nothing herein contained shall be construed to prohibit the legislature from passing special laws for the preservation of the game and fish of this state in certain localities.

SEC. 57. No local or special law shall be passed unless notice of the intention to apply thereof shall have been published in the locality where the matter or thing to be affected may be situated, which notice shall state the substance of the contemplated law, and shall be published at least thirty days prior to the introduction into the legislature of such bill and in the manner to be provided by law. The evidence of such notice having been published shall be exhibited in the legislature before such act shall be passed.

SEC. 58. The legislature shall hold its sessions at the city of Austin, which is hereby declared to be the seat of government.

ARTICLE IV.

EXECUTIVE DEPARTMENT.

SECTION 1. The executive department of the state shall consist of a governor, who shall be the chief executive officer of the state, a lieutenant-governor, secretary of state, comptroller of public accounts, treasurer, commissioner of the general land office, and attorney-general.

SEC. 2. All the above officers of the executive department (except secretary of state) shall be elected by the qualified voters of the state at the time and places of election for members of the legislature.

SEC. 3. The returns of every election for said executive officers, until otherwise provided by law, shall be made out, sealed up, and transmitted, by the returning officers prescribed by law, to the seat of government, directed to the secretary of state, who shall deliver the same to the speaker of the house of representatives, as soon as the speaker shall be chosen; and the said speaker shall, during the first week of the session of the legislature, open and publish them in the presence of both houses of the legislature. The person voted for at said election having the highest number of votes for each of said offices respectively, and being constitutionally eligible, shall be declared by the speaker, under sanction of the

legislature, to be elected to said office. But if two or more persons shall have the highest and an equal number of votes for either of said offices, one of them shall be immediately chosen to such office by joint vote of both houses of the legislature. Contested elections for either of said offices shall be determined by both houses of the legislature in joint session.

SEC. 4. The governor shall be installed on the first Tuesday after the organization of the legislature, or as soon thereafter as practicable, and shall hold his office for the term of two years, or until his successor shall be duly installed. He shall be at least thirty years of age, a citizen of the United States, and shall have resided in this state at least five years immediately preceding his election.

SEC. 5. He shall, at stated times, receive as compensation for his services an annual salary of four thousand dollars, and no more, and shall have the use and occupation of the governor's mansion, fixtures and furniture.

SEC. 6. During the time he holds the office of governor he shall not hold any other office, civil, military or corporate; nor shall he practice any profession, and receive compensation, reward, fee, or the promise thereof, for the same; nor receive any salary, reward or compensation, or the promise thereof, from any person or corporation, for any service rendered or performed during the time he is governor, or to be thereafter rendered or performed.

SEC. 7. He shall be commander-in-chief of the military forces of the state, except when they are called into actual service of the United States. He shall have power to call forth the militia to execute the laws of the state, to suppress insurrection, repel invasion, and protect the frontier from hostile incursions by Indians or other predatory bands.

SEC. 8. The governor may, on extraordinary occasions, convene the legislature at the seat of government, or at a different place in case that should be in possession of the public enemy, or in case of the prevalence of disease thereat. His proclamation therefor shall state specifically the purpose for which the legislature is convened.

SEC. 9. The governor shall, at the commencement of each session of the legislature, and at the close of his term of office, give to the legislature information, by message, of the condition of the state; and he shall recommend to the legislature such measures as he may deem expedient. He shall account to the legislature for all public moneys received and paid out by him from any funds subject to his order, with vouchers; and shall accompany his message with a statement of the same. And at the commencement of each regular session he shall present estimates of the amount of money required to be raised by taxation for all purposes.

SEC. 10. He shall cause the laws to be faithfully executed; and shall conduct, in person, or in such manner as shall be prescribed by law, all intercourse and business of the state with other states and with the United States.

SEC. 11. In all criminal cases, except treason and impeachment, he shall have power, after conviction, to grant reprieves, commutations of punishment, and pardons; and under such rules as the legislature may prescribe, he shall have power to remit fines and forfeitures. With the advice and consent of the senate, he may grant pardons in cases of trea-

son, and to this end he may respite a sentence therefor, until the close of the succeeding session of the legislature ; *provided*, that in all cases of remissions of fines and forfeitures, or grants of reprieve, commutation of punishment or pardon, he shall file in the office of the secretary of state his reasons therefor.

SEC. 12. All vacancies in state or district offices, except members of the legislature, shall be filled, unless otherwise provided by law, by appointment of the governor, which appointment, if made during its session, shall be with the advice and consent of two-thirds of the senate present. If made during the recess of the senate, the said appointee, or some other person to fill such vacancy, shall be nominated to the senate during the first ten days of its session. If rejected, said office shall immediately become vacant, and the governor shall, without delay, make further nominations, until a confirmation takes place. But should there be no confirmation during the session of the senate, the governor shall not thereafter appoint any person to fill such vacancy who has been rejected by the senate ; but may appoint some other person to fill the vacancy until the next session of the senate, or until the regular election to said office, should it sooner occur. Appointments to vacancies in offices elective by the people shall only continue until the first general election thereafter.

SEC. 13. During the session of the legislature the governor shall reside where its sessions are held, and at all other times at the seat of government, except when by act of the legislature he may be required or authorized to reside elsewhere.

SEC. 14. Every bill which shall have passed both houses of the legislature shall be presented to the governor for his approval. If he approve, he shall sign it ; but if he disapprove it, he shall return it, with his objections, to the house in which it originated, which house shall enter the objections at large upon its journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of the members present agree to pass the bill, it shall be sent, with the objections, to the other house, by which likewise it shall be reconsidered ; and if approved by two-thirds of the members of that house, it shall become a law ; but in such cases the votes of both houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor with his objections within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislature, by its adjournment, prevent its return ; in which case it shall be a law unless he shall file the same, with his objections, in the office of the secretary of state, and give notice thereof by public proclamation within twenty days after such adjournment. If any bill presented to the governor contains several items of appropriation, he may object to one or more of such items, and approve the other portion of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items to which he objects, and no item so objected to shall take effect. If the legislature be in session, he shall transmit to the house in which the bill originated a copy of such statement, and the items objected to shall be separately considered. If, on reconsideration, one or more of such items be approved by two-

thirds of the members present of each house, the same shall be part of the law notwithstanding the objections of the governor. If any such bill, containing several items of appropriation, not having been presented to the governor ten days (Sundays excepted) prior to adjournment, be in the hands of the governor at the time of adjournment, he shall have twenty days from such adjournment within which to file objections to any items thereof, and make proclamation of the same, and such item or items shall not take effect.

SEC. 15. Every order, resolution or vote to which the concurrence of both houses of the legislature may be necessary, except on questions of adjournment, shall be presented to the governor, and, before it shall take effect, shall be approved by him ; or, being disapproved, shall be repassed by both houses ; and all the rules, provisions and limitations shall apply thereto as prescribed in the last preceding section in the case of a bill.

SEC. 16. There shall also be a lieutenant-governor, who shall be chosen at every election for governor, by the same electors, in the same manner, continue in office for the same time, and possess the same qualifications. The electors shall distinguish for whom they vote as governor and for whom as lieutenant-governor. The lieutenant-governor shall, by virtue of his office, be president of the senate, and shall have, when in committee of the whole, a right to debate and vote on all questions ; and when the senate is equally divided, to give the casting vote. In case of the death, resignation, removal from office, inability or refusal of the governor to serve, or of his impeachment or absence from the state, the lieutenant-governor shall exercise the powers and authority appertaining to the office of governor until another be chosen at the periodical election, and be duly qualified ; or until the governor impeached, absent or disabled, shall be acquitted, return, or his disability be removed.

SEC. 17. If, during the vacancy in the office of governor, the lieutenant-governor should die, resign, refuse to serve, or be removed from office, or be unable to serve, or if he shall be impeached or absent from the state, the president of the senate, for the time being, shall, in like manner, administer the government until he shall be superseded by a governor or lieutenant-governor. The lieutenant-governor shall, while he acts as president of the senate, receive for his services the same compensation and mileage which shall be allowed to the members of the senate, and no more ; and during the time he administers the government as governor, he shall receive in like manner the same compensation which the governor would have received had he been employed in the duties of his office, and no more. The president, for the time being, of the senate, shall, during the time he administers the government, receive in like manner the same compensation which the governor would have received had he been employed in the duties of his office.

SEC. 18. The lieutenant-governor or president of the senate succeeding to the office of governor shall, during the entire term to which he may succeed, be under all the restrictions and inhibitions imposed in this constitution on the governor.

SEC. 19. There shall be a seal of the state, which shall be kept by the secretary of state, and used by him officially under the direction of the governor. The seal of the state shall be a star of five points, encircled by olive and live oak branches, and the words " The State of Texas."

SEC. 20. All commissions shall be in the name and by the authority of the State of Texas, sealed with the state seal, signed by the governor, and attested by the secretary of state.

SEC. 21. There shall be a secretary of state, who shall be appointed by the governor, by and with the advice and consent of the senate, and who shall continue in office during the term of service of the governor. He shall authenticate the publication of the laws, and keep a fair register of all official acts and proceedings of the governor, and shall, when required, lay the same, and all papers, minutes and vouchers relative thereto, before the legislature or either house thereof, and shall perform such other duties as may be required of him by law. He shall receive for his services an annual salary of two thousand dollars, and no more.

SEC. 22. The attorney-general shall hold his office for two years and until his successor is duly qualified. He shall represent the state in all suits and pleas in the supreme court of the state in which the state may be a party, and shall especially inquire into the charter rights of all private corporations, and, from time to time, in the name of the state, take such action in the courts as may be proper and necessary to prevent any private corporation from exercising any power, or demanding or collecting any species of taxes, toll, freight or wharfage not authorized by law. He shall, whenever sufficient cause exists, seek a judicial forfeiture of such charters, unless otherwise expressly directed by law, and give legal advice in writing to the governor and other executive officers, when requested by them, and perform such other duties as may be required by law. He shall reside at the seat of government during his continuance in office. He shall receive for his services an annual salary of two thousand dollars, and no more, besides such fees as may be prescribed by law; *provided*, that the fees which he may receive shall not amount to more than two thousand dollars annually.

SEC. 23. The comptroller of public accounts, the treasurer, and the commissioner of the general land office, shall each hold office for the term of two years, and until his successor is qualified; receive an annual salary of two thousand and five hundred dollars, and no more; reside at the capital of the state during his continuance in office; and perform such duties as are or may be required of him by law. They and the secretary of state shall not receive to their own use any fees, costs or perquisites of office. All fees that may be payable by law for any service performed by any officer specified in this section, or in his office, shall be paid, when received, into the state treasury.

SEC. 24. An account shall be kept by the officers of the executive department, and by all officers and managers of state institutions, of all moneys and choses in action received and disbursed or otherwise disposed of by them, severally, from all sources, and for every service performed; and a semi-annual report thereof shall be made to the governor under oath. The governor may at any time require information in writing from any and all of said officers or managers, upon any subject relating to the duties, condition, management and expenses of their respective offices and institutions, which information shall be required by the governor under oath, and the governor may also inspect their books, accounts, vouchers and public funds; and any officer or manager who at any time shall wilfully make a false report or give false information, shall be

guilty of perjury, and so adjudged and punished accordingly, and removed from office.

SEC. 25. The legislature shall pass efficient laws facilitating the investigation of breaches of trust and duty by all custodians of public funds, and providing for their suspension from office on reasonable cause shown, and for the appointment of temporary incumbents of their offices during such suspension.

SEC. 26. The governor, by and with the advice and consent of two-thirds of the senate, shall appoint a convenient number of notaries public for each county, who shall perform such duties as now are or may be prescribed by law.

ARTICLE V.

JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of this state shall be vested in one supreme court, in a court of appeals, in district courts, in county courts, in commissioners' courts, in courts of justices of the peace, and in such other courts as may be established by law. The legislature may establish criminal district courts with such jurisdiction as it may prescribe, but no such courts shall be established unless the district includes a city containing at least thirty thousand inhabitants as ascertained by the census of the United States or other official census; *provided*, such town or city shall support said criminal district courts when established. The criminal district court of Galveston and Harris counties shall continue with the district, jurisdiction and organization now existing by law, until otherwise provided by law.

SEC. 2. The supreme court shall consist of a chief justice and two associate justices, any two of whom shall constitute a quorum, and the concurrence of two judges shall be necessary to the decision of a case. No person shall be eligible to the office of chief justice or associate justice of the supreme court unless he be at the time of his election a citizen of the United States and of this state, and unless he shall have attained the age of thirty years, and shall have been a practicing lawyer or a judge of a court in this state, or such lawyer and judge together, at least seven years. Said chief justice and associate justices shall be elected by the qualified voters of the state at a general election, shall hold their offices for six years, and shall each receive an annual salary of not more than three thousand five hundred and fifty dollars. In case of a vacancy in the office of chief justice or associate justice of the supreme court, the governor shall fill the vacancy until the next general election for state officers, and at such general election the vacancy for the unexpired term shall be filled by election by the qualified voters of the state.

SEC. 3. The supreme court shall have appellate jurisdiction only, which shall be co-extensive with the limits of the state; but shall only extend to civil cases of which the district courts have original or appellate jurisdiction. Appeals may be allowed from interlocutory judgments of the district courts, in such cases and under such regulations as may be provided by law. The supreme court and the judges thereof shall have power to issue, under such regulations as may be prescribed by law, the writ of *mandamus* and all other writs necessary to enforce the jurisdiction of said court. The supreme court shall have power, upon affidavit or otherwise, as by the court may be thought proper, to ascertain such matters of fact as may be necessary to the proper exercise of its jurisdiction. The supreme court shall sit for the transaction of business from the first Monday in October until the last Saturday of June of every year, at the seat of government, and at not more than two other places in the state.

SEC. 4. The supreme court shall appoint a clerk for each place at which it may sit, and each of said clerks shall give bond in such manner as is now or may hereafter be required by law; shall hold his office for four years, and shall be subject to removal by the said court for good cause entered of record on the minutes of said court.

SEC. 5. The court of appeals shall consist of three judges, any two of whom shall constitute a quorum, and the concurrence of two judges shall be necessary to a decision of said court. They shall be elected by the qualified voters of the state at a general election. They shall be citizens of the United States and of this state; shall have arrived at the age of thirty years at the time of election; each shall have been a practicing lawyer, or a judge of a court in this state, or such lawyer and judge together, for at least seven years. Said judges shall hold their offices for a term of six years, and each of them shall receive an

annual salary of three thousand five hundred and fifty dollars, which shall not be increased or diminished during their term of office.

SEC. 6. The court of appeals shall have appellate jurisdiction, co-extensive with the limits of the state, in all criminal cases, of whatever grade, and in all civil cases, unless hereafter otherwise provided by law, of which the county courts have original or appellate jurisdiction. In civil cases its opinions shall not be published unless the publication of such opinions be required by law. The court of appeals and the judges thereof shall have power to issue the writ of *habeas corpus*; and under such regulations as may be prescribed by law, issue such writs as may be necessary to enforce its own jurisdiction. The court of appeals shall have power, upon affidavits, or otherwise, as by the court may be thought proper, to ascertain such matters of fact as may be necessary to the exercise of its jurisdiction. The court of appeals shall sit for the transaction of business from the first Monday of October until the last Saturday of June of every year, at the capital, and at not more than two other places in the state, at which the supreme court shall hold its sessions. The court shall appoint a clerk for each place at which it may sit, and each of said clerks shall give bond in such manner as is now or may hereafter be required by law; shall hold his office for four years, and shall be subject to removal by the said court for good cause, entered of record on the minutes of said court.

SEC. 7. The state shall be divided into twenty-six judicial districts, which may be increased or diminished by the legislature. For each district there shall be elected, by the qualified voters thereof, at a general election for members of the legislature, a judge, who shall be at least twenty-five years of age, shall be a citizen of the United States, shall have been a practicing attorney or a judge of a court in this state for the period of four years, and shall have resided in the district in which he is elected for two years next before his election; shall reside in his district during his term of office; shall hold his office for the term of four years; shall receive an annual salary of twenty-five hundred dollars, which shall not be increased or diminished during his term of service; and shall hold the regular terms of court at one place in each county in the district twice in each year, in such manner as may be prescribed by law. The legislature shall have power by general act to authorize the holding of special terms, when necessary, and to provide for holding more than two terms of the court in any county, for the dispatch of business; and shall provide for the holding of district courts when the judge thereof is absent, or is from any cause disabled or disqualified from presiding.

SEC. 8. The district court shall have original jurisdiction in criminal cases of the grade of felony; of all suits in behalf of the state to recover penalties, forfeitures and escheats; of all cases of divorce; in cases of misdemeanors involving official misconduct; of all suits to recover damages for slander or defamation of character; of all suits for trial of title to land, and for the enforcement of liens thereon; of all suits for trial of right to property levied on by virtue of any writ of execution, sequestration or attachment, when the property levied on shall be equal to or exceed in value five hundred dollars; and of all suits, complaints or pleas whatever, without regard to any distinction between law and equity, when the matter in controversy shall be valued at or amount to five hundred dollars exclusive of interest; and the said courts and the judges thereof shall have power to issue writs of *habeas corpus* in felony cases, *mandamus*, injunction, *certiorari*, and all writs necessary to enforce their jurisdiction. The district courts shall have appellate jurisdiction and general control in probate matters over the county court established in each county, for appointing guardians, granting letters testamentary and of administration, for settling the accounts of executors, administrators and guardians, and for the transaction of business appertaining to estates; and original jurisdiction and general control over executors, administrators, guardians and minors, under such regulations as may be prescribed by the legislature. All cases now pending in the supreme court, of which the court of appeals has appellate jurisdiction under the provisions of this article, shall, as soon as practicable after the establishment of said court of appeals, be certified, and the records transmitted to the court of appeals, and shall be decided by such court of appeals as if the same had been originally appealed to such court. [Const. 1876.]

[Secs. 1, 2, 3, 4, 5, 6, 7, 8, Art. 5, declared adopted September 22, 1891.]

SECTION 1. The judicial power of this state shall be vested in one supreme court, in courts of civil appeals, in a court of criminal appeals, in district courts, in county courts, in commissioners' courts, in courts of justices of the peace, and in such other courts as may be provided by law. The criminal district court of Galveston and Harris counties shall continue with the district, jurisdiction, and organization now existing by law until otherwise provided by law. The legislature may establish such

other courts as it may deem necessary, and prescribe the jurisdiction and organization thereof, and may conform the jurisdiction of the district and other inferior courts thereto.

SEC. 2. The supreme court shall consist of a chief justice and two associate justices, any two of whom shall constitute a quorum, and the concurrence of two judges shall be necessary to the decision of a case. No person shall be eligible to the office of chief justice or associate justice of the supreme court unless he be, at the time of his election, a citizen of the United States and of this state, and unless he shall have attained the age of thirty years, and shall have been a practicing lawyer or a judge of a court, or such lawyer and judge together, at least seven years. Said chief justice and associate justices shall be elected by the qualified voters of the state at a general election, shall hold their offices six years or until their successors are elected and qualified, and shall each receive an annual salary of four thousand dollars until otherwise provided by law. In case of a vacancy in the office of chief justice of the supreme court the governor shall fill the vacancy until the next general election for state officers, and at such general election the vacancy for the unexpired term shall be filled by election by the qualified voters of the state. The judges of the supreme court who may be in office at the time this amendment takes effect shall continue in office until the expiration of their term of office under the present constitution, and until their successors are elected and qualified.

SEC. 3. The supreme court shall have appellate jurisdiction only, except as herein specified, which shall be co-extensive with the limits of the state. Its appellate jurisdiction shall extend to questions of law arising in cases of which the courts of civil appeals have appellate jurisdiction, under such restrictions and regulations as the legislature may prescribe. Until otherwise provided by law the appellate jurisdiction of the supreme court shall extend to questions of law arising in the cases in the courts of civil appeals in which the judges of any court of civil appeals may disagree, or where the several courts of civil appeals may hold differently on the same question of law, or where a statute of the state is held void. The supreme court and the justices thereof shall have power to issue writs of *habeas corpus* as may be prescribed by law, and under such regulations as may be prescribed by law the said courts and the justices thereof may issue the writs of *mandamus*, *procendo*, *certiorari*, and such other writs as may be necessary to enforce its jurisdiction. The legislature may confer original jurisdiction on the supreme court to issue writs of *quo warranto* and *mandamus* in such cases as may be specified, except as against the governor of the state. The supreme court shall also have power, upon affidavit or otherwise as by the court may be determined, to ascertain such matters of fact as may be necessary to the proper exercise of its jurisdiction. The supreme court shall sit for the transaction of business from the first Monday in October of each year until the last Saturday of June in the next year, inclusive, at the capital of the state. The supreme court shall appoint a clerk, who shall give bond in such manner as is now or may hereafter be required by law, and he may hold his office for four years, and shall be subject to removal by said court for good cause, entered of record on the minutes of said court, who shall receive such compensation as the legislature may provide.

SEC. 4. The court of criminal appeals shall consist of three judges, any two of whom shall constitute a quorum, and the concurrence of two judges shall be necessary to a decision of said court; said judges shall have the same qualifications and receive the same salaries as the judges of the supreme court. They shall be elected by the qualified voters of the state at a general election, and shall hold their offices for a term of six years. In case of a vacancy in the office of a judge of the court of criminal appeals the governor shall fill such vacancy by appointment for the unexpired term. The judges of the court of appeals who may be in office at the time when this amendment takes effect shall continue in office until the expiration of their term of office under the present constitution and laws as judges of the court of criminal appeals.

SEC. 5. The court of criminal appeals shall have appellate jurisdiction co-extensive with the limits of the state in all criminal cases of whatever grade, with such exceptions and under such regulations as may be prescribed by law. The court of criminal appeals and the judges thereof shall have the power to issue the writ of *habeas corpus*, and, under such regulations as may be prescribed by law, issue such writs as may be necessary to enforce its own jurisdiction. The court of criminal appeals shall have power, upon affidavit or otherwise, to ascertain such matters of fact as may be necessary to the exercise of its jurisdiction. The court of criminal appeals shall sit for the transaction of business from the first Monday in October to the last Saturday of June in each year, at the state capital and two other places (or the capital city) if the legislature shall hereafter so provide. The court of criminal appeals shall appoint a clerk for each place at which it may sit, and each clerk shall give bond in such manner as is now or may hereafter be required by law, and who shall hold his office for four years unless sooner removed by the court for good cause, entered of record on the minutes of said court.

SEC. 6. The legislature shall, as soon as practicable after the adoption of this amendment, divide the state into not less than two nor more than three supreme judicial districts, and thereafter into such additional districts as the increase of population and business may require, and shall establish a court of civil appeals in each of said districts, which shall consist of a chief justice and two associate justices, who shall have the qualifications as herein prescribed for justices of the supreme court. Said court of civil appeals shall have appellate jurisdiction co-extensive with the limits of their respective districts, which shall extend to all civil cases of which the district courts or county courts have original or appellate jurisdiction, under such restrictions and regulations as may be prescribed by law; *provided*, that the decision of said courts shall be conclusive on all questions of fact brought before them on appeal or error. Each of said courts of civil appeals shall hold its sessions at a place in its district to be designated by the legislature, and at such time as may be prescribed by law. Said justices shall be elected by the qualified voters of their respective districts, at a general election, for a term of six years, and shall receive for their services the sum of three thousand five hundred dollars per annum until otherwise provided by law. Said courts shall have such other jurisdiction, original and appellate, as may be prescribed by law. Each court of civil appeals shall appoint a clerk,

in the same manner as the clerk of the supreme court, which clerk shall receive such compensation as may be fixed by law. Until the organization of the courts of civil appeals and criminal appeals, as herein provided for, the jurisdiction, power, and organization and location of the supreme court, the court of appeals, and the commission of appeals shall continue as they were before the adoption of this amendment. All civil cases which may be pending in the court of appeals shall, as soon as practicable after the organization of the courts of civil appeals, be certified to and the records thereof transmitted to the proper courts of civil appeals, to be decided by said courts. At the first session of the supreme court, the court of criminal appeals, and such of the courts of civil appeals which may be hereafter created under this article after the first election of the judges of such courts under this amendment, the terms of office of the judges of each court shall be divided into three classes, and the justices thereof shall draw for the different classes. Those who shall draw class No. 1 shall hold their offices two years, those drawing class No. 2 shall hold their offices for four years, and those who may draw class No. 3 shall hold their offices for six years from the date of their election and until their successors are elected and qualified; and thereafter each of the said judges shall hold his office for six years, as provided in this constitution.

SEC. 7. The state shall be divided into as many judicial districts as may now or hereafter be provided by law, which may be increased or diminished by law. For each district there shall be elected by the qualified voters thereof, at a general election, a judge, who shall be a citizen of the United States and of this state, who shall have been a practicing lawyer of this state or a judge of a court in this state for four years next preceding his election; who shall have resided in the district in which he was elected for two years next preceding his election; who shall reside in his district during his term of office; who shall hold his office for the period of four years, and shall receive for his services an annual salary of two thousand five hundred dollars, until otherwise changed by law. He shall hold the regular terms of his court at the county seat of each county in his district at least twice in each year, in such manner as may be prescribed by law. The legislature shall have power by general or special laws to authorize the holding of special terms of the court, or the holding of more than two terms in any county for the dispatch of business. The legislature shall also provide for the holding of district court when the judge thereof is absent, or is from any cause disabled or disqualified from presiding. The district judges who may be in office when this amendment takes effect shall hold their offices until their respective terms shall expire under their present election or appointment.

SEC. 8. The district court shall have original jurisdiction in all criminal cases of the grade of felony; in all suits in behalf of the state to recover penalties, forfeitures, and escheats; of all cases of divorce; of all misdemeanors involving official misconduct; of all suits to recover damages for slander or defamation of character; of all suits for trial of title to land and for the enforcement of liens thereon; of all suits for the trial of the right of property levied upon by virtue of any writ of execution, sequestration, or attachment when the property

levied on shall be equal to or exceed in value five hundred dollars ; of all suits, complaints, or pleas whatever, without regard to any distinction between law and equity, when the matter in controversy shall be valued at or amount to five hundred dollars exclusive of interest ; of contested elections ; and said court and the judges thereof shall have power to issue writs of *habeas corpus*, *mandamus*, injunction, and *certiorari*, and all writs necessary to enforce their jurisdiction. The district court shall have appellate jurisdiction and general control in probate matters over the county court established in each county, for appointing guardians, granting letters testamentary and of administration, probating wills, for settling the accounts of executors, administrators, and guardians, and for the transaction of all business appertaining to estates ; and original jurisdiction and general control over executors, administrators, guardians, and minors, under such regulations as may be prescribed by law. The district court shall have appellate jurisdiction and general supervisory control over the county commissioners' court, with such exceptions and under such regulations as may be prescribed by law ; and shall have general original jurisdiction over all causes of action whatever for which a remedy or jurisdiction is not provided by law or this constitution, and such other jurisdiction, original and appellate, as may be provided by law.

SEC. 9. There shall be a clerk for the district court of each county, who shall be elected by the qualified voters for the state and county officers, and who shall hold his office for two years, subject to removal by information, or by indictment of a grand jury, and conviction by a petit jury. In case of vacancy the judge of the district court shall have the power to appoint a clerk, who shall hold until the office can be filled by election.

SEC. 10. In the trial of all causes in the district courts, the plaintiff or defendant shall, upon application made in open court, have the right of trial by jury ; but no jury shall be impaneled in any civil case unless demanded by a party to the case, and a jury fee be paid by the party demanding a jury, for such sum and with such exceptions as may be prescribed by the legislature.

SEC. 11. No judge shall sit in any case wherein he may be interested, or where either of the parties may be connected with him by affinity or consanguinity, within such degree as may be prescribed by law, or where he shall have been counsel in the case. When the supreme court, or the appellate court, or any two of the members of either, shall be thus disqualified to hear and determine any case or cases in said court, the same shall be certified to the governor of the state, who shall immediately commission the requisite number of persons learned in the law, for the trial and determination of said cause or causes. When a judge of the district court is disqualified by any of the causes above stated, the parties may, by consent, appoint a proper person to try said case ; or, upon their failing to do so, a competent person may be appointed to try the same in the county where it is pending, in such manner as may be prescribed by law. And the district judges may exchange districts, or hold courts for each other, when they may deem it expedient, and shall do so when directed by law. The disqualification of judges of inferior tribunals shall be remedied, and vacancies in their offices shall be filled, as prescribed by law.

SEC. 12. All judges of the supreme court, court of appeals and district courts shall, by virtue of their offices, be conservators of the peace throughout the state. The style of all writs and process shall be, "The State of Texas." All prosecutions shall be carried on in the name and by the authority of "The State of Texas," and conclude "against the peace and dignity of the state." [Const. 1876.]

[Secs. 11 and 12, Art. 5, declared adopted September 22, 1891.]

SEC. 11. No judge shall sit in any case wherein he may be interested.

or when either of the parties may be connected with him either by affinity or consanguinity, within such a degree as may be prescribed by law, or when he shall have been counsel in the case. When the supreme court, the court of criminal appeals, the court of civil appeals, or any member of either, shall be thus disqualified to hear and determine any case or cases in said court, the same shall be certified to the governor of the state, who shall immediately commission the requisite number of persons learned in the law, for the trial and determination of such cause or causes. When a judge of the district court is disqualified by any of the causes above stated, the parties may, by consent, appoint a proper person to try said case; or, upon their failing to do so, a competent person may be appointed to try the same in the county where it is pending, in such manner as may be prescribed by law. And the district judges may exchange districts, or hold courts for each other when they may deem it expedient, and shall do so when required by law. This disqualification of judges of inferior tribunals shall be remedied, and vacancies in their offices filled, as may be prescribed by law.

SEC. 12. All judges of courts of this state [shall], by virtue of their office, be conservators of the peace throughout the state. The style of all writs and process shall be, "The State of Texas." All prosecutions shall be carried on in the name and by authority of the State of Texas, and shall conclude "against the peace and dignity of the state."

SEC. 13. Grand and petit juries in the district courts shall be composed of twelve men; but nine members of a grand jury shall be a quorum to transact business and present bills. In trials of civil cases, and in trials of criminal cases below the grade of felony in the district courts, nine members of the jury, concurring, may render a verdict, but when the verdict shall be rendered by less than the whole number, it shall be signed by every member of the jury concurring in it. When, pending the trial of any case, one or more jurors, not exceeding three, may die, or be disabled from sitting, the remainder of the jury shall have the power to render the verdict; *provided*, that the legislature may change or modify the rule authorizing less than the whole number of the jury to render a verdict.

SEC. 14. The judicial districts in this state and the time of holding the courts therein are fixed by ordinance forming part of this constitution, until otherwise provided by law.

SEC. 15. There shall be established in each county in this state a county court, which shall be a court of record; and there shall be elected in each county by the qualified voters, a county judge, who shall be well informed in the law of the state, shall be a conservator of the peace, and shall hold his office for two years, and until his successor shall be elected and qualified. He shall receive as a compensation for his services such fees and perquisites as may be prescribed by law.

SEC. 16. The county court shall have original jurisdiction of all misdemeanors, of which exclusive original jurisdiction is not given to the justice's court, as the same are now or may be hereafter prescribed by law, and when the fine to be imposed shall exceed two hundred dollars; and they shall have exclusive original jurisdiction in all civil cases when the matter in controversy shall exceed in value two hundred dollars, and not exceed five hundred dollars, exclusive of interest; and concurrent jurisdiction with the district courts, when the matter in controversy shall exceed five hundred and not exceed one thousand dollars, exclusive of interest, but shall not have jurisdiction of suits for the *recovery of land*. They shall have appellate jurisdiction in cases, civil and criminal, of

which justices' courts have original jurisdiction, but of such civil cases only when the judgment of the court appealed from shall exceed twenty dollars, exclusive of costs, under such regulations as may be prescribed by law. In all appeals from justices' courts, there shall be a trial *de novo* in the county court, and when the judgment rendered or fine imposed by the county court shall not exceed one hundred dollars such trial shall be final; but if the judgment rendered or fine imposed shall exceed one hundred dollars, as well as in all cases, civil and criminal, of which the county court has exclusive or concurrent original jurisdiction, an appeal shall lie to the court of appeals, under such regulations as may be prescribed by law. The county courts shall have the general jurisdiction of a probate court. They shall probate wills, appoint guardians of minors, idiots, lunatics, persons *non compos mentis*, and common drunkards, grant letters testamentary and of administration, settle accounts of executors, administrators and guardians, transact all business appertaining to the estates of deceased persons, minors, idiots, lunatics, persons *non compos mentis*, and common drunkards, including the settlement, partition and distribution of estates of deceased persons, and to apprentice minors as provided by law. And the county courts, or judges thereof, shall have power to issue writs of *mandamus*, injunction, and all other writs necessary to the enforcement of the jurisdiction of said courts; and to issue writs of *habeas corpus* in cases where the offense charged is within the jurisdiction of the county court, or any other court or tribunal inferior to said court. The county court shall not have criminal jurisdiction in any county where there is a criminal district court, unless expressly conferred by law; and in such counties appeals from justices' courts and other inferior courts and tribunals, in criminal cases, shall be to the criminal district courts, under such regulations as may be prescribed by law, and in all such cases an appeal shall lie from such district courts to the court of appeals. Any case pending in the county court, which the county judge may be disqualified to try, shall be transferred to the district court of the same county for trial; and where there exists any cause disqualifying the county judge for the trial of a cause of which the county court has jurisdiction, the district court of such county shall have original jurisdiction of such cause. [Const. 1876.]

[Sec. 16, Art. 5, declared adopted September 22, 1891.]

SEC. 16. The county court shall have original jurisdiction of all misdemeanors of which exclusive original jurisdiction is not given to the justice's court as the same is now or may hereafter be prescribed by law, and when the fine to be imposed shall exceed \$200; and they shall have exclusive jurisdiction in all civil cases when the matter in controversy shall exceed in value \$200 and not exceed \$500, exclusive of interest; and concurrent jurisdiction with the district court when the matter in controversy shall exceed \$500 and not exceed \$1,000, exclusive of interest, but shall not have jurisdiction of suits for the recovery of land. They shall have appellate jurisdiction in cases civil and criminal of which justices' courts have original jurisdiction, but of such civil cases only when the judgment of the court appealed from shall exceed \$20, exclusive of cost, under such regulations may be prescribed by law. In all appeals from justice's court there shall be a trial *de novo* in the county court, and appeals may be prosecuted from the final judgment rendered in such cases by the county court, as well as all cases civil and criminal of which the county court has exclusive or concurrent or original jurisdiction of civil appeals in civil cases to the court of civil appeals and in such criminal cases to the court of criminal appeals, with such exceptions and under such regulations as may be prescribed by law. The county court shall have the general jurisdiction of a probate court; they shall probate wills, appoint guardians of minors, idiots, lunatics, persons *non compos mentis*, and common drunkards; grant letters testamentary and of administration; settle accounts of executors; transact all business appertaining to deceased persons, minors, idiots, lunatics, persons *non compos mentis*, and common drunkards, including the settlement, partition, and distribution of estates of deceased persons; and to apprentice minors, as provided by law; and

the county court or judge thereof shall have power to issue writs of injunction, *mandamus*, and all writs necessary to the enforcement of the jurisdiction of said court, and to issue writs of *habeas corpus* in cases where the offense charged is within the jurisdiction of the county court or any other court or tribunal inferior to said court. The county court shall not have criminal jurisdiction in any county where there is a criminal district court unless expressly conferred by law; and in such counties appeals from justices' courts and other inferior courts and tribunals in criminal cases shall be to the criminal district court, under such regulations as may be prescribed by law, and in all such cases an appeal shall lie from such district court to the court of criminal appeals. When the judge of the county court is disqualified in any case pending in the county court the parties interested may by consent appoint a proper person to try said case, or upon their failing to do so, a competent person may be appointed to try the same in the county where it is pending, in such manner as may be prescribed by law.

SEC. 17. The county court shall hold a term for civil business at least once in every two months, and shall dispose of probate business, either in term time or vacation, as may be provided by law, and said court shall hold a term for criminal business once in every month, as may be provided by law. Prosecutions may be commenced in said court by information filed by the county attorney, or by affidavit, as may be provided by law. Grand juries impaneled in the district courts shall inquire into misdemeanors, and all indictments therefor returned into the district courts shall forthwith be certified to the county courts, or other inferior courts having jurisdiction to try them, for trial; and if such indictment be quashed in the county, or other inferior court, the person charged shall not be discharged if there is probable cause of guilt, but may be held by such court or magistrate to answer an information or affidavit. A jury in the county court shall consist of six men; but no jury shall be impaneled to try a civil case, unless demanded by one of the parties, who shall pay such jury fee therefor, in advance, as may be prescribed by law, unless he makes affidavit that he is unable to pay the same.

SEC. 18. Each organized county in the state, now or hereafter existing, shall be divided from time to time, for the convenience of the people, into precincts, not less than four and not more than eight. The present county courts shall make the first division. Subsequent divisions shall be made by the commissioners' court provided for by this constitution. In each such precinct there shall be elected, at each biennial election, one justice of the peace and one constable, each of whom shall hold his office for two years and until his successor shall be elected and qualified; *provided*, that in any precinct in which there may be a city of eight thousand or more inhabitants, there shall be elected two justices of the peace. Each county shall in like manner be divided into four commissioners' precincts, in each of which there shall be elected by the qualified voters thereof one county commissioner, who shall hold his office for two years and until his successor shall be elected and qualified. The county commissioners, so chosen, with the county judge as presiding officer, shall compose the county commissioners' court, which shall exercise such powers and jurisdiction over all county business as is conferred by this *constitution and the laws* of the state, or as may hereafter be prescribed.

SEC. 19. Justices of the peace shall have jurisdiction in criminal matters of all cases where the penalty or fine to be imposed by law may not be more than for two hundred dollars, and in civil matters of all cases where the amount in controversy is two hundred dollars or less, exclusive of interest, of which exclusive original jurisdiction is not given to the district or county courts; and such other jurisdiction, criminal and civil, as may be provided by law, under such regulations as may be prescribed by law; and appeals to the county courts shall be allowed in all cases decided in justices' courts where the judgment is for more than twenty dollars, exclusive of costs, and in all criminal cases, under such regulations as may be prescribed by law. And the justices of the peace shall be *ex-officio* notaries public; and they shall hold their courts at such times and places as may be provided by law.

SEC. 20. There shall be elected for each county, by the qualified voters, a county clerk, who shall hold his office for two years, who shall be clerk of the county and commissioners' courts and recorder of the county, whose duties, perquisites and fees of office shall be prescribed by the legislature, and a vacancy in whose office shall be filled by the commissioners' court, until the next general election for county and state officers; *provided*, that in counties having a population of less than eight thousand persons there may be an election of a single clerk, who shall perform the duties of district and county clerks.

SEC. 21. A county attorney, for counties in which there is not a resident criminal district attorney, shall be elected by the qualified voters of each county, who shall be commissioned by the governor, and hold his office for the term of two years. In case of vacancy the commissioners' court of the county shall have power to appoint a county attorney until the next general election. The county attorneys shall represent the state in all cases in the district and inferior courts in their respective counties; but if any county shall be included in a district in which there shall be a district attorney, the respective duties of district attorneys and county attorneys shall, in such counties, be regulated by the legislature. The legislature may provide for the election of district attorneys in such districts as may be deemed necessary, and make provision for the compensation of district attorneys and county attorneys; *provided*, district attorneys shall receive an annual salary of five hundred dollars, to be paid by the state, and such fees, commissions and perquisites as may be provided by law. County attorneys shall receive as compensation only such fees, commissions and perquisites as may be prescribed by law.

SEC. 22. The legislature shall have power, by local or general law, to increase, diminish or change the civil and criminal jurisdiction of county courts; and in cases of any such change of jurisdiction the legislature shall also conform the jurisdiction of the other courts to such change.

SEC. 23. There shall be elected by the qualified voters of each county a sheriff, who shall hold his office for the term of two years, whose duties, and perquisites, and fees of office, shall be prescribed by the legislature, and vacancies in whose office shall be filled by the commissioners' court until the next general election for county or state officers.

SEC. 24. County judges, county attorneys, clerks of the district and county courts, justices of the peace, constables, and other county officers, may be removed by the judges of the district courts for incompetency,

official misconduct, habitual drunkenness, or other causes defined by law, upon the cause therefor being set forth in writing, and the finding of its truth by a jury.

SEC. 25. The supreme court shall have power to make rules and regulations for the government of said court, and the other courts of the state, to regulate proceedings and expedite the dispatch of business therein. [Const. 1876.]

[Sec. 25, Art. 5, declared adopted September 22, 1891.]

SEC. 25. The supreme court shall have power to make and establish rules of procedure, not inconsistent with the laws of the state, for the government of said court and the other courts of this state, to expedite the dispatch of business therein.

SEC. 26. The state shall have no right of appeal in criminal cases.

SEC. 27. The legislature shall, at its first session, provide for the transfer of all business, civil and criminal, pending in district courts, over which jurisdiction is given by this constitution to the county courts or other inferior courts, to such county or inferior courts, and for the trial or disposition of all such causes by such county or other inferior courts.

SEC. 28. Vacancies in the office of judges in the supreme court, of the court of appeals, and district court, shall be filled by the governor until the next succeeding general election; and vacancies in the office of county judge, and justices of the peace, shall be filled by the commissioners' court, until the next general election for such offices. [Const. 1876.]

[Sec. 28, Art. 5, declared adopted September 22, 1891.]

SEC. 28. Vacancies in the office of judges of the supreme court, the court of criminal appeals, the court of civil appeals, and district courts, shall be filled by the governor until the next succeeding general election, and vacancies in the office of county judge and justices of the peace shall be filled by the commissioners' court until the next general election for such offices.

[Sec. 29, Art. 5, declared adopted September 25, 1893.]

SEC. 29. The county court shall hold at least four terms for both civil and criminal business annually, as may be provided by the legislature, or by the commissioners' court of the county under authority of law, and such other terms each year as may be fixed by the commissioners' court; *provided*, the commissioners' court of any county having fixed the times and number of terms of the county court, shall not change the same again until the expiration of one year. Said court shall dispose of probate business either in term time or vacation, under such regulation as may be prescribed by law. Prosecutions may be commenced in said courts in such manner as is or may be provided by law, and a jury therein shall consist of six men. Until otherwise provided, the terms of the county court shall be held on the first Mondays in February, May, August and November, and may remain in session three weeks.

ARTICLE VI.

SUFFRAGE.

SECTION 1. The following classes of persons shall not be allowed to vote in this state, to-wit:

First—Persons under twenty-one years of age.

Second—Idiots and lunatics.

Third—All paupers supported by any county.

Fourth—All persons convicted of any felony, subject to such exceptions as the legislature may make.

Fifth—All soldiers, marines and seamen employed in the service of the army or navy of the United States.

SEC. 2. Every male person subject to none of the foregoing disqualifications, who shall have attained the age of twenty-one years, and who shall be a citizen of the United States, and who shall have resided in this state one year next preceding an election, and the last six months within the district or county in which he offers to vote, shall be deemed a qualified elector; and every male person of foreign birth, subject to none of the foregoing disqualifications, who, at any time before an election, shall have declared his intention to become a citizen of the United States, in accordance with the federal naturalization laws, and shall have resided in this state one year next preceding such election, and the last six months in the county in which he offers to vote, shall also be deemed a qualified elector; and all electors shall vote in the election precinct of their residence; *provided*, that electors living in any unorganized county, may vote at any election precinct in the county to which such county is attached for judicial purposes.

SEC. 3. All qualified electors of the state, as herein described, who shall have resided for six months immediately preceding an election within the limits of any city or corporate town, shall have the right to vote for mayor and all other elective officers; but in all elections to determine expenditure of money or assumption of debt, only those shall be qualified to vote who pay taxes on property in said city or incorporated town; *provided*, that no poll tax for the payment of debts thus incurred shall be levied upon the persons debarred from voting in relation thereto.

SEC. 4. In all elections by the people the vote shall be by ballot, and the legislature shall provide for the numbering of tickets, and make such other regulations as may be necessary to detect and punish fraud and preserve the purity of the ballot-box; but no law shall ever be enacted requiring a registration of the voters of this state. [Const. 1876.]

[Sec. 4, Art. 6, declared adopted, September 22, 1891.]

SEC. 4. In all elections by the people the vote shall be by ballot, and the legislature shall provide for the numbering of tickets and make such other regulations as may be necessary to detect and punish fraud and preserve the purity of the ballot-box; and the legislature may provide by law for the registration of all voters in all cities containing a population of ten thousand inhabitants or more.

SEC. 5. Voters shall, in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning therefrom.

ARTICLE VII.

EDUCATION—THE PUBLIC FREE SCHOOLS.

SECTION 1. A general diffusion of knowledge being essential to the preservation of the liberties and rights of the people, it shall be the duty of the legislature of the state to establish and make suitable provision

for the support and maintenance of an efficient system of public free schools.

SEC. 2. All funds, lands and other property heretofore set apart and appropriated for the support of public schools ; all the alternate sections of land reserved by the state out of grants heretofore made or that may hereafter be made to railroads, or other corporations, of any nature whatsoever ; one-half of the public domain of the state ; and all sums of money that may come to the state from the sale of any portion of the same, shall constitute a perpetual public school fund.

SEC. 3. There shall be set apart annually not more than one-fourth of the general revenue of the state, and a poll tax of one dollar on all male inhabitants in this state between the ages of twenty-one and sixty years, for the benefit of the public free schools. [Const. 1876.]

[Sec. 3, Art. 7, declared adopted September 25, 1883.]

SEC. 3. One-fourth of the revenue derived from the state occupation taxes, and a poll tax of one dollar on every male inhabitant of this state between the ages of twenty-one and sixty years, shall be set apart annually for the benefit of the public free schools, and, in addition thereto, there shall be levied and collected an annual *ad valorem* state tax of such an amount, not to exceed twenty cents on the one hundred dollars valuation, as, with the available school fund arising from all other sources, will be sufficient to maintain and support the public free schools of this state for a period of not less than six months in each year ; and the legislature may also provide for the formation of school districts within all or any of the counties of this state, by general or special law, without the local notice required in other cases of special legislation, and may authorize an additional annual *ad valorem* tax to be levied and collected within such school districts for the further maintenance of public free schools and the erection of school buildings therein ; *provided*, that two-thirds of the qualified property tax-paying voters of the district, voting at an election to be held for that purpose, shall vote such tax, not to exceed in any one year twenty cents on the one hundred dollars valuation of the property subject to taxation in such district, but the limitation upon the amount of district tax herein authorized shall not apply to incorporated cities or towns constituting separate and independent school districts.

SEC. 4. The lands herein set apart to the public free school fund shall be sold under such regulations, at such times and on such terms as may be prescribed by law ; and the legislature shall not have power to grant any relief to the purchasers thereof. The comptroller shall invest the proceeds of such sales, and of those heretofore made, as may be directed by the board of education herein provided for, in the bonds of this state, if the same can be obtained, otherwise in United States bonds ; and the United States bonds now belonging to said fund shall likewise be invested in state bonds, if the same can be obtained on terms advantageous to the school fund. [Const. 1876.]

[Sec. 4, Art. 7, declared adopted September 25, 1883.]

SEC. 4. The lands herein set apart to the public free school fund shall be sold under such regulations, at such times, and on such terms as may be prescribed by law ; and the legislature shall not have power to grant any relief to purchasers thereof. The comptroller shall invest the proceeds of such sales, and of those heretofore made, as may be directed by the board of education herein provided for, in the bonds of the United States, the State of Texas, or counties in said state, or in such other securities, and under such restrictions as may be prescribed by law ; and the state shall be responsible for all investments.

SEC. 5. The principal of all bonds and other funds, and the principal arising from the sale of the lands hereinbefore set apart to said school fund, shall be the permanent school fund ; and all the interest derivable therefrom and the taxes herein authorized and levied shall be the available school fund, which shall be applied annually to the support of the public free schools. And no law shall ever be enacted appropriating any part of the permanent or available school fund to any other purpose whatever ; nor shall the same, or any part thereof, ever be appropriated to or used for the support of any sectarian school ; and the available school fund herein provided shall be distributed to the several counties according to their scholastic population and applied in manner as may be provided by law. [Const. 1876.]

[Sec. 5, Art. 7, declared adopted September 22, 1891.]

SEC. 5. The principal of all bonds and other funds, and the principal arising from the sale of the lands hereinbefore set apart to said school fund, shall be the permanent school fund ; and all the interest derivable therefrom and the taxes herein authorized and levied shall be the available school fund, to which the legislature may add not exceeding one per cent. annually of the total value of the permanent school fund ; such value to be ascertained by the board of education until otherwise provided by law ; and the available school fund shall be applied annually to the support of the public free schools. And no law shall ever be enacted appropriating any part of the permanent or available school fund to any other purpose whatever ; nor shall the same or any part thereof ever be appropriated to or used for the support of any sectarian school ; and the available school fund herein provided shall be distributed to the several counties according to their scholastic population and applied in such manner as may be provided by law.

SEC. 6. All lands heretofore or hereafter granted to the several counties of this state for education, or schools, are of right the property of said counties respectively to which they were granted, and title thereto is vested in said counties, and no adverse possession or limitation shall ever be available against the title of any county. Each county may sell or dispose of its lands in whole or in part, in manner to be provided by the commissioners' court of the county. Actual settlers residing on said lands shall be protected in the prior right of purchasing the same to the extent of their settlement, not to exceed one hundred and sixty acres, at the price fixed by said court, which price shall not include the value of existing improvements made thereon by such settlers. Said lands and the proceeds thereof, when sold, shall be held by said counties alone as a trust for the benefit of public schools therein ; said proceeds to be invested in bonds of the State of Texas, or of the United States, and only the interest thereon to be used and expended annually. [Const. 1876.]

[Sec. 6, Art. 7, declared adopted September 25, 1883.]

SEC. 6. All lands heretofore or hereafter granted to the several counties of this state for educational purposes, are of right the property of said counties respectively to which they were granted, and title thereto is vested in said counties, and no adverse possession or limitation shall ever be available against the title of any county. Each county may sell or dispose of its lands in whole or in part, in manner to be provided by the commissioners' court of the county. Actual settlers residing on said lands shall be protected in the prior right of purchasing the same to the extent of their settlement, not to exceed one hundred and sixty acres, at the price fixed by said court, which price shall not include the value of existing improvements made thereon by such settlers. Said lands, and the proceeds thereof, when sold, shall be held by said counties alone as a trust for the benefit of public schools therein ; said proceeds to be invested in bonds of the United States, the State of Texas, or counties in said state, or in such other securities, and under such restrictions as may be pre-

scribed by law ; and the counties shall be responsible for all investments ; the interest thereon, and other revenue, except the principal, shall be available fund.

SEC. 7. Separate schools shall be provided for the white and colored children, and impartial provision shall be made for both.

SEC. 8. The governor, comptroller, and secretary of state shall constitute a board of education, who shall distribute said funds to the several counties, and perform such other duties concerning public schools as may be prescribed by law.

ASYLUMS.

SEC. 9. All lands heretofore granted for the benefit of the lunatic, blind, deaf and dumb, and orphan asylums, together with such donations as may have been or may hereafter be made to either of them, respectively, as indicated in the several grants, are hereby set apart to provide a permanent fund for the support, maintenance and improvement of said asylums. And the legislature may provide for the sale of the lands and the investment of the proceeds in manner as provided for the sale and investment of school lands in section four of this article.

UNIVERSITY.

SEC. 10. The legislature shall, as soon as practicable, establish, organize and provide for the maintenance, support and direction of a university of the first class, to be located by a vote of the people of this state, and styled, "The University of Texas," for the promotion of literature and the arts and sciences, including an agricultural and mechanical department.

SEC. 11. In order to enable the legislature to perform the duties set forth in the foregoing section, it is hereby declared that all lands and other property heretofore set apart and appropriated for the establishment and maintenance of "The University of Texas," together with all the proceeds of sales of the same, heretofore made or hereafter to be made, and all grants, donations and appropriations that may hereafter be made by the State of Texas, or from any other source, shall constitute and become a permanent university fund. And the same as realized and received into the treasury of the state (together with such sum belonging to the fund as may now be in the treasury), shall be invested in bonds of the State of Texas, if the same can be obtained ; if not, then in United States bonds ; and the interest accruing thereon shall be subject to appropriation by the legislature to accomplish the purpose declared in the foregoing section ; *provided*, that the one-tenth of the alternate sections of the lands granted to railroads, reserved by the state, which were set apart and appropriated to the establishment of "The University of Texas," by an act of the legislature of February 11, 1858, entitled "An act to establish 'The University of Texas,'" shall not be included in or constitute a part of the permanent university fund.

SEC. 12. The land herein set apart to the university fund shall be sold under such regulations, at such times and on such terms as may be provided by law ; and the legislature shall provide for the prompt collection, at maturity, of all debts due on account of university lands heretofore

sold, or that may hereafter be sold, and shall in neither event have the power to grant relief to the purchasers.

SEC. 13. The Agricultural and Mechanical College of Texas, established by an act of the legislature, passed April 17, 1871, located in the county of Brazos, is hereby made and constituted a branch of the University of Texas, for instruction in agriculture, the mechanic arts and the natural sciences connected therewith. And the legislature shall, at its next session, make an appropriation, not to exceed forty thousand dollars, for the construction and completion of the buildings and improvements, and for providing the furniture necessary to put said college in immediate and successful operation.

SEC. 14. The legislature shall, also, when deemed practicable, establish and provide for the maintenance of a college or branch university for the instruction of the colored youths of the state, to be located by a vote of the people ; *provided*, that no tax shall be levied and no money appropriated out of the general revenue, either for this purpose or for the establishment and erection of the buildings of the University of Texas.

SEC. 15. In addition to the lands heretofore granted to the University of Texas, there is hereby set apart and appropriated, for the endowment, maintenance and support of said university and its branches, one million acres of the unappropriated public domain of the state, to be designated and surveyed as may be provided by law ; and said lands shall be sold under the same regulations and the proceeds invested in the same manner as is provided for the sale and investment of the permanent university fund ; and the legislature shall not have power to grant any relief to the purchasers of said lands.

ARTICLE VIII.

TAXATION AND REVENUE.

SECTION 1. Taxation shall be equal and uniform. All property in this state, whether owned by natural persons or corporations, other than municipal, shall be taxed in proportion to its value, which shall be ascertained as may be provided by law. The legislature may impose a poll tax. It may also impose occupation taxes, both upon natural persons and upon corporations, other than municipal, doing any business in this state. It may also tax incomes of both natural persons and corporations, other than municipal, except that persons engaged in mechanical and agricultural pursuits shall never be required to pay an occupation tax ; *provided*, that two hundred and fifty dollars worth of household and kitchen furniture, belonging to each family in this state, shall be exempt from taxation, and *provided further*, that the occupation tax levied by any county, city or town, for any year, on persons or corporations pursuing any profession or business, shall not exceed one-half of the tax levied by the state for the same period on such profession or business.

SEC. 2. All occupation taxes shall be equal and uniform upon the same class of subjects within the limits of the authority levying the tax ; but the legislature may, by general laws, exempt from taxation public property used for public purposes ; actual places of religious worship ; places of burial not held for private or corporate profit ; all buildings

used exclusively and owned by persons or associations of persons for school purposes (and the necessary furniture of all schools), and institutions of purely public charity ; and all laws exempting property from taxation, other than the property above mentioned, shall be void.

SEC. 3. Taxes shall be levied and collected by general laws and for public purposes only.

SEC. 4. The power to tax corporations and corporate property shall not be surrendered or suspended by act of the legislature, by any contract or grant to which the state shall be a party.

SEC. 5. All property of railroad companies, of whatever description, lying or being within the limits of any city or incorporated town within this state, shall bear its proportionate share of municipal taxation, and if any such property shall not have been heretofore rendered, the authorities of the city or town within which it lies shall have power to require its rendition, and collect the usual municipal tax thereon, as on other property lying within said municipality.

SEC. 6. No money shall be drawn from the treasury but in pursuance of specific appropriations made by law; nor shall any appropriation of money be made for a longer term than two years, except by the first legislature to assemble under this constitution, which may make the necessary appropriations to carry on the government until the assembling of the sixteenth legislature.

SEC. 7. The legislature shall not have power to borrow, or in any manner divert from its purpose, any special fund that may, or ought to, come into the treasury ; and shall make it penal for any person or persons to borrow, withhold, or in any manner to divert from its purpose, any special fund, or any part thereof.

SEC. 8. All property of railroad companies shall be assessed, and the taxes collected in the several counties in which said property is situated, including so much of the road-bed and fixtures as shall be in each county. The rolling stock may be assessed in gross in the county where the principal office of the company is located, and the county tax paid upon it shall be apportioned by the comptroller, in proportion to the distance such road may run through any such county, among the several counties through which the road passes, as a part of their tax assets.

SEC. 9. The state tax on property, exclusive of the tax necessary to pay the public debt, shall never exceed fifty cents on the one hundred dollars valuation ; and no county, city or town shall levy more than one-half of said state tax, except for the payment of debts already incurred, and for the erection of public buildings, not to exceed fifty cents on the one hundred dollars in any one year, and except as in this constitution is otherwise provided. [Const. 1876.]

SEC. 9. The state tax on property, exclusive of the tax necessary to pay the public debt, and of the taxes provided for the benefit of public free schools, shall never exceed thirty-five cents on the one hundred dollars valuation ; and no county, city or town shall levy more than twenty-five cents for city or county purposes, and not to exceed fifteen cents for roads and bridges, on the one hundred dollars valuation, except for the payment of debts incurred prior to the adoption of this amendment, and for the erection of public buildings, street, sewer and other permanent improvements, not to exceed twenty-five cents on the one hundred dollars valuation in any one year, and except as is in this constitution otherwise provided. [Amendment 1883.]

[Sec. 9, Art. 8, declared adopted December 19, 1890.]

SEC. 9. The state tax on property, exclusive of the tax necessary to pay the public debt and of the taxes provided for the benefit of public *free schools*, shall never exceed thirty-five cents on the one hundred dol-

lars valuation; and no county, city, or town shall levy more than twenty-five cents for city or county purposes, and not exceed fifteen cents for roads and bridges on the one hundred dollars valuation, except for the payment of debts incurred prior to the adoption of the amendment, September 25, A. D. 1883; and for the erection of public buildings, streets, sewers, water works, and other permanent improvements, not to exceed twenty-five cents on the one hundred dollars valuation in any one year, and except as is in this constitution otherwise provided; and the legislature may also authorize an additional annual ad valorem tax to be levied and collected for the further maintenance of the public roads: *provided*, that a majority of the qualified property tax paying voters of the county, voting at an election to be held for that purpose, shall vote such tax, not to exceed fifteen cents on the one hundred dollars valuation of the property subject to taxation in such county. And the legislature may pass local laws for the maintenance of public roads and highways without the local notice required for special or local laws.

SEC. 10. The legislature shall have no power to release the inhabitants of, or property in, any county, city or town, from the payment of taxes levied for state or county purposes, unless in case of great public calamity in any such county, city or town, when such release may be made by a vote of two-thirds of each house of the legislature.

SEC. 11. All property, whether owned by persons or corporations, shall be assessed for taxation and the taxes paid in the county where situated, but the legislature may, by a two-thirds vote, authorize the payment of taxes of non-residents of counties to be made at the office of the comptroller of public accounts. And all lands and other property not rendered for taxation by the owner thereof shall be assessed at its fair value by the proper officer.

SEC. 12. All property subject to taxation in, and owned by residents of unorganized counties, shall be assessed and the taxes thereon paid in the counties to which such unorganized counties shall be attached for judicial purposes; and lands lying in and owned by non-residents of unorganized counties, and lands lying in the territory not laid off into counties, shall be assessed and the taxes thereon collected at the office of the comptroller of the state.

SEC. 13. Provision shall be made by the first legislature for the speedy sale of a sufficient portion of all lands and other property for the taxes due thereon, and every year thereafter for the sale of all lands and other property upon which the taxes have not been paid, and the deed of conveyance to the purchaser for all lands and other property thus sold shall be held to vest a good and perfect title in the purchaser thereof, subject to be impeached only for actual fraud; *provided*, that the former owner shall, within two years from date of purchaser's deed, have the right to redeem the land upon the payment of double the amount of money paid for the land.

SEC. 14. There shall be elected by the qualified electors of each county, at the same time and under the same law regulating the election of state and county officers, an assessor of taxes, who shall hold his office for two years and until his successor is elected and qualified.

SEC. 15. The annual assessment made upon landed property, shall be a special lien thereon, and all property, both real and personal, belonging

ing to any delinquent tax-payer shall be liable to seizure and sale for the payment of all the taxes and penalties due by such delinquent; and such property may be sold for the payment of the taxes and penalties due by such delinquent, under such regulations as the legislature may provide.

SEC. 16. The sheriff of each county, in addition to his other duties, shall be the collector of taxes therefor. But in counties having ten thousand inhabitants, to be determined by the last preceding census of the United States, a collector of taxes shall be elected, to hold office for two years and until his successor shall be elected and qualified.

SEC. 17. The specification of the objects and subjects of taxation shall not deprive the legislature of the power to require other subjects or objects to be taxed, in such manner as may be consistent with the principles of taxation fixed in this constitution.

SEC. 18. The legislature shall provide for equalizing, as near as may be, the valuation of all property subject to or rendered for taxation (the county commissioners' court to constitute a board of equalization); and may also provide for the classification of all lands with reference to their value in the several counties.

[Sec. 19, Art. 8, declared adopted Oct. 14, 1879.]

SEC. 19. Farm products in the hands of the producer and family supplies for home and farm use, are exempt from all taxation until otherwise directed by a two-thirds vote of all the members elect to both houses of the legislature.

ARTICLE IX.

COUNTIES.

SECTION 1. The legislature shall have power to create counties for the convenience of the people, subject to the following provisions :

First. In the territory of the state exterior to all counties now existing, no new counties shall be created with a less area than nine hundred square miles, in a square form, unless prevented by pre-existing boundary lines. Should the state lines render this impracticable in border counties, the area may be less. The territory referred to may, at any time, in whole or in part, be divided into counties in advance of population, and attached, for judicial and land surveying purposes, to the most convenient organized county or counties.

Second. Within the territory of any county or counties now existing, no new county shall be created with a less area than seven hundred square miles, nor shall any such county now existing be reduced to a less area than seven hundred square miles. No new counties shall be created so as to approach nearer than twelve miles of the county seat of any county from which it may, in whole or in part, be taken. Counties of a less area than nine hundred, but of seven hundred or more square miles, within counties now existing, may be created by a two-thirds vote of each house of the legislature, taken by yeas and nays, and entered on the journals. Any county now existing may be reduced to an area of not less than seven hundred square miles by a like two-thirds vote. When any part of a county is stricken off and attached to or created into another county, the

part stricken off shall be holden for and obliged to pay its proportion of all the liabilities then existing of the county from which it was taken, in such manner as may be prescribed by law.

Third. No part of any existing county shall be detached from it and attached to another existing county until the proposition for such change shall have been submitted, in such manner as may be provided by law, to a vote of the electors of both counties, and shall have received a majority of those voting on the question in each.

COUNTY SEATS.

SEC. 2. The legislature shall pass laws regulating the manner of removing county seats, but no county seat situated within five miles of the geographical center of the county shall be removed except by a vote of two-thirds of all the electors voting on the subject. A majority of such electors, however, voting at such election, may remove a county seat from a point more than five miles from the geographical center of the county to a point within five miles of such center, in either case the center to be determined by a certificate from the commissioner of the general land office.

ARTICLE X.

RAILROADS.

SECTION 1. Any railroad corporation or association, organized under the law for the purpose, shall have the right to construct and operate a railroad between any points within this state, and to connect at the state line with railroads of other states. Every railroad company shall have the right, with its road, to intersect, connect with or cross any other railroad; and shall receive and transport each the other's passengers, tonnage and cars, loaded or empty, without delay or discrimination, under such regulations as shall be prescribed by law.

SEC. 2. Railroads heretofore constructed, or that may hereafter be constructed in this state, are hereby declared public highways, and railroad companies common carriers. The legislature shall pass laws to correct abuses and prevent unjust discrimination and extortion in the rates of freight and passenger tariffs on the different railroads in this state; and shall from time to time pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight on said railroads, and enforce all such laws by adequate penalties. [Const. 1876.]

[Sec. 2, Art. 10, declared adopted December 19, 1890.]

SEC. 2. Railroads heretofore constructed or which may hereafter be constructed in this state are hereby declared public highways and railroad companies common carriers. The legislature shall pass laws to regulate railroad freight and passenger tariffs, to correct abuses, and prevent unjust discrimination and extortion in the rates of freight and passenger tariffs on the different railroads in this state, and enforce the same by adequate penalties; and to the further accomplishments of these objects and purposes may provide and establish all requisite means and agencies invested with such powers as may be deemed adequate and advisable.

SEC. 3. Every railroad or other corporation, organized or doing business in this state under the laws or authority thereof, shall have and maintain a public office or place in this state for the transaction of its

business, where transfers of stock shall be made, and where shall be kept, for inspection by the stockholders of such corporations, books, in which shall be recorded the amount of capital stock subscribed, the names of the owners of the stock, the amounts owned by them respectively, the amount of stock paid, and by whom, the transfer of said stock, with the date of the transfer, the amount of its assets and liabilities, and the names and places of residence of its officers. The directors of every railroad company shall hold one meeting annually in this state, public notice of which shall be given thirty days previously, and the president or superintendent shall report annually, under oath, to the comptroller or governor, their acts and doings, which report shall include such matters relating to railroads as may be prescribed by law. The legislature shall pass laws enforcing by suitable penalties the provisions of this section.

SEC. 4. The rolling stock and all other movable property belonging to any railroad company or corporation in this state shall be considered personal property, and its real and personal property, or any part thereof, shall be liable to execution and sale in the same manner as the property of individuals; and the legislature shall pass no laws exempting any such property from execution and sale.

SEC. 5. No railroad or other corporation, or the lessees, purchasers or managers of any railroad corporation, shall consolidate the stock, property or franchises of such corporation with, or lease or purchase the works or franchises of, or in any way control any railroad corporation owning or having under its control a parallel or competing line; nor shall any officer of such railroad corporation act as an officer of any other railroad corporation owning or having the control of a parallel or competing line.

SEC. 6. No railroad company organized under the laws of this state shall consolidate by private or judicial sale or otherwise with any railroad company organized under the laws of any other state or of the United States.

SEC. 7. No law shall be passed by the legislature granting the right to construct and operate a street railroad within any city, town or village, or upon any public highway, without first acquiring the consent of the local authorities having control of the street or highway proposed to be occupied by such street railroad.

SEC. 8. No railroad corporation in existence at the time of the adoption of this constitution shall have the benefit of any future legislation except on condition of complete acceptance of all the provisions of this constitution applicable to railroads.

SEC. 9. No railroad hereafter constructed in this state shall pass within a distance of three miles of any county seat without passing through the same, and establishing and maintaining a depot therein, unless prevented by natural obstacles, such as streams, hills or mountains; *provided*, such town or its citizens shall grant the right of way through its limits and sufficient ground for ordinary depot purposes.

ARTICLE XI.

MUNICIPAL CORPORATIONS.

SECTION 1. The several counties of this state are hereby recognized as *legal sub-divisions* of the state.

SEC. 2. The construction of jails, court-houses and bridges, and the establishment of county poor-houses and farms, and the laying out, construction and repairing of county roads, shall be provided for by general laws.

SEC. 3. No county, city or other municipal corporation shall hereafter become a subscriber to the capital of any private corporation or association, or make any appropriation or donation to the same, or in any wise loan its credit; but this shall not be construed to in any way affect any obligation heretofore undertaken pursuant to law.

SEC. 4. Cities and towns having a population of ten thousand inhabitants or less, may be chartered alone by general law. They may levy, assess and collect an annual tax to defray the current expenses of their local government, but such tax shall never exceed, for any one year, one-fourth of one per cent, and shall be collectable only in current money. And all license and occupation tax levied, and all fines, forfeitures, penalties and other dues accruing to cities and towns, shall be collectable only in current money.

SEC. 5. Cities having more than ten thousand inhabitants may have their charters granted or amended by special act of the legislature, and may levy, assess and collect such taxes as may be authorized by law, but no tax for any purpose shall ever be lawful, for any one year, which shall exceed two and one-half per cent of the taxable property of such city; and no debt shall ever be created by any city unless at the same time provision be made to assess and collect annually a sufficient sum to pay the interest thereon and create a sinking fund of at least two per cent thereon.

SEC. 6. Counties, cities and towns are authorized, in such mode as may now or may hereafter be provided by law, to levy, assess and collect the taxes necessary to pay the interest and provide a sinking fund to satisfy any indebtedness heretofore legally made and undertaken; but all such taxes shall be assessed and collected separately from that levied, assessed and collected for current expenses of municipal government, and shall, when levied, specify in the act of levying the purpose therefor, and such taxes may be paid in the coupons, bonds or other indebtedness for the payment of which such tax may have been levied.

SEC. 7. All counties and cities bordering on the coast of the Gulf of Mexico are hereby authorized, upon a vote of two-thirds of the tax-payers therein (to be ascertained as may be provided by law), to levy and collect such tax for construction of sea walls, breakwaters or sanitary purposes, as may be authorized by law, and may create a debt for such works and issue bonds in evidence thereof. But no debt for any purpose shall ever be incurred in any manner by any city or county unless provision is made, at the time of creating the same, for levying and collecting a sufficient tax to pay the interest thereon and provide at least two per cent as a sinking fund; and the condemnation of the right of way for the erection of such works shall be fully provided for.

SEC. 8. The counties and cities on the gulf coast being subject to calamitous overflows, and a very large proportion of the general revenue being derived from those otherwise prosperous localities, the legislature is especially authorized to aid, by donation of such portion of the public domain as may be deemed proper, and in such mode as may be provided

for the support and maintenance of an efficient system of public free schools.

SEC. 2. All funds, lands and other property heretofore set apart and appropriated for the support of public schools ; all the alternate sections of land reserved by the state out of grants heretofore made or that may hereafter be made to railroads, or other corporations, of any nature whatsoever ; one-half of the public domain of the state ; and all sums of money that may come to the state from the sale of any portion of the same, shall constitute a perpetual public school fund.

SEC. 3. There shall be set apart annually not more than one-fourth of the general revenue of the state, and a poll tax of one dollar on all male inhabitants in this state between the ages of twenty-one and sixty years, for the benefit of the public free schools. [Const. 1876.]

[Sec. 3, Art. 7, declared adopted September 25, 1883.]

SEC. 3. One-fourth of the revenue derived from the state occupation taxes, and a poll tax of one dollar on every male inhabitant of this state between the ages of twenty-one and sixty years, shall be set apart annually for the benefit of the public free schools, and, in addition thereto, there shall be levied and collected an annual *ad valorem* state tax of such an amount, not to exceed twenty cents on the one hundred dollars valuation, as, with the available school fund arising from all other sources, will be sufficient to maintain and support the public free schools of this state for a period of not less than six months in each year ; and the legislature may also provide for the formation of school districts within all or any of the counties of this state, by general or special law, without the local notice required in other cases of special legislation, and may authorize an additional annual *ad valorem* tax to be levied and collected within such school districts for the further maintenance of public free schools and the erection of school buildings therein ; *provided*, that two-thirds of the qualified property tax-paying voters of the district, voting at an election to be held for that purpose, shall vote such tax, not to exceed in any one year twenty cents on the one hundred dollars valuation of the property subject to taxation in such district, but the limitation upon the amount of district tax herein authorized shall not apply to incorporated cities or towns constituting separate and independent school districts.

SEC. 4. The lands herein set apart to the public free school fund shall be sold under such regulations, at such times and on such terms as may be prescribed by law ; and the legislature shall not have power to grant any relief to the purchasers thereof. The comptroller shall invest the proceeds of such sales, and of those heretofore made, as may be directed by the board of education herein provided for, in the bonds of this state, if the same can be obtained, otherwise in United States bonds ; and the United States bonds now belonging to said fund shall likewise be invested in state bonds, if the same can be obtained on terms advantageous to the school fund. [Const. 1876.]

[Sec. 4, Art. 7, declared adopted September 25, 1883.]

SEC. 4. The lands herein set apart to the public free school fund shall be sold under such regulations, at such times, and on such terms as may be prescribed by law ; and the legislature shall not have power to grant any relief to purchasers thereof. The comptroller shall invest the proceeds of such sales, and of those heretofore made, as may be directed by the board of education herein provided for, in the bonds of the United States, the State of Texas, or counties in said state, or in such other securities, and under such restrictions as may be prescribed by law ; and the state shall be responsible for all investments.

SEC. 5. The principal of all bonds and other funds, and the principal arising from the sale of the lands hereinbefore set apart to said school fund, shall be the permanent school fund; and all the interest derivable therefrom and the taxes herein authorized and levied shall be the available school fund, which shall be applied annually to the support of the public free schools. And no law shall ever be enacted appropriating any part of the permanent or available school fund to any other purpose whatever; nor shall the same, or any part thereof, ever be appropriated to or used for the support of any sectarian school; and the available school fund herein provided shall be distributed to the several counties according to their scholastic population and applied in manner as may be provided by law. [Const. 1876.]

[Sec. 5, Art. 7, declared adopted September 22, 1891.]

SEC. 5. The principal of all bonds and other funds, and the principal arising from the sale of the lands hereinbefore set apart to said school fund, shall be the permanent school fund; and all the interest derivable therefrom and the taxes herein authorized and levied shall be the available school fund, to which the legislature may add not exceeding one per cent. annually of the total value of the permanent school fund; such value to be ascertained by the board of education until otherwise provided by law; and the available school fund shall be applied annually to the support of the public free schools. And no law shall ever be enacted appropriating any part of the permanent or available school fund to any other purpose whatever; nor shall the same or any part thereof ever be appropriated to or used for the support of any sectarian school; and the available school fund herein provided shall be distributed to the several counties according to their scholastic population and applied in such manner as may be provided by law.

SEC. 6. All lands heretofore or hereafter granted to the several counties of this state for education, or schools, are of right the property of said counties respectively to which they were granted, and title thereto is vested in said counties, and no adverse possession or limitation shall ever be available against the title of any county. Each county may sell or dispose of its lands in whole or in part, in manner to be provided by the commissioners' court of the county. Actual settlers residing on said lands shall be protected in the prior right of purchasing the same to the extent of their settlement, not to exceed one hundred and sixty acres, at the price fixed by said court, which price shall not include the value of existing improvements made thereon by such settlers. Said lands and the proceeds thereof, when sold, shall be held by said counties alone as a trust for the benefit of public schools therein; said proceeds to be invested in bonds of the State of Texas, or of the United States, and only the interest thereon to be used and expended annually. [Const. 1876.]

[Sec. 6, Art. 7, declared adopted September 25, 1888.]

SEC. 6. All lands heretofore or hereafter granted to the several counties of this state for educational purposes, are of right the property of said counties respectively to which they were granted, and title thereto is vested in said counties, and no adverse possession or limitation shall ever be available against the title of any county. Each county may sell or dispose of its lands in whole or in part, in manner to be provided by the commissioners' court of the county. Actual settlers residing on said lands shall be protected in the prior right of purchasing the same to the extent of their settlement, not to exceed one hundred and sixty acres, at the price fixed by said court, which price shall not include the value of existing improvements made thereon by such settlers. Said lands, and the proceeds thereof, when sold, shall be held by said counties alone as a trust for the benefit of public schools therein; said proceeds to be invested in bonds of the United States, the State of Texas, or counties in said state, or in such other securities, and under such restrictions as may be pro-

affecting the fairness and good faith of the holder thereof, with which the record was made, shall not be held to vitiate such record.

SEC. 5. All claims, locations, surveys, grants and titles of any kind, which are declared null and void by the constitution of the Republic or State of Texas, are, and the same shall remain forever null and void.

SEC. 6. The legislature shall pass stringent laws for the detection and conviction of all forgers of land titles, and may make such appropriations of money for that purpose as may be necessary.

SEC. 7. Sections 2, 3, 4 and 5 of this article, shall not be so construed as to set aside or repeal any law or laws of the Republic or State of Texas, releasing the claimants of headrights of colonists of a league of land, or less, from compliance with the conditions on which their grants were made.

ARTICLE XIV.

PUBLIC LANDS AND LAND OFFICE.

SECTION 1. There shall be one general land office in the state, which shall be at the seat of government, where all land titles which have emanated or may hereafter emanate from the state shall be registered, except those titles the registration of which may be prohibited by this constitution. It shall be the duty of the legislature at the earliest practicable time to make the land office self-sustaining, and from time to time the legislature may establish such subordinate offices as may be deemed necessary.

SEC. 2. All unsatisfied genuine land certificates barred by section 4, article 10, of the constitution of 1869, by reason of the holders or owners thereof failing to have them surveyed and returned to the land office by the first day of January, 1875, are hereby revived. All unsatisfied genuine land certificates now in existence shall be surveyed and returned to the general land office within five years after the adoption of this constitution, or be forever barred; and all genuine land certificates hereafter issued by the state shall be surveyed and returned to the general land office within five years after issuance, or be forever barred; *provided*, that all genuine land certificates heretofore or hereafter issued shall be located, surveyed or patented only upon vacant and unappropriated public domain, and not upon any land titled or equitably owned under color of title from the sovereignty of the state, evidence of the appropriation of which is on the county records or in the general land office; or when the appropriation is evidenced by the occupation of the owner, or of some person holding for him.

SEC. 3. The legislature shall have no power to grant any of the lands of this state to any railway company except upon the following restrictions and conditions:

First. That there shall never be granted to any such corporation more than sixteen sections to the mile, and no reservation of any part of the public domain for the purpose of satisfying such grant shall ever be made.

Second. That no land certificate shall be issued to such company *until they have equipped, constructed and in running order at least*

ten miles of road, and on the failure of such company to comply with the terms of its charter, or to alienate its land at a period to be fixed by law, in no event to exceed twelve years from the issuance of the patent, all said land shall be forfeited to the state and become a portion of the public domain, and liable to location and survey. The legislature shall pass general laws only, to give effect to the provisions of this section.

SEC. 4. No certificate for land shall be sold at the land office except to actual settlers upon the same, and in lots not to exceed one hundred and sixty acres.

SEC. 5. All lands heretofore or hereafter granted to railway companies, where the charter or law of the state required or shall hereafter require their alienation within a certain period, on pain of forfeiture, or is silent on the subject of forfeiture, and which lands have not been or shall not hereafter be alienated, in conformity with the terms of their charters and the laws under which the grants were made, are hereby declared forfeited to the state, and subject to pre-emption, location and survey, as other vacant lands. All lands heretofore granted to said railroad companies to which no forfeiture was attached, on their failure to alienate, are not included in the foregoing clause, but in all such last named cases it shall be the duty of the attorney-general, in every instance, where alienations have been or hereafter may be made, to inquire into the same, and if such alienation has been made in fraud of the rights of the state, and is colorable only, the real and beneficial interest being still in such corporation, to institute legal proceedings in the county where the seat of government is situated, to forfeit such lands to the state, and if such alienation be judicially ascertained to be fraudulent and colorable as aforesaid, such lands shall be forfeited to the state and become a part of the vacant public domain, liable to pre-emption, location and survey.

SEC. 6. To every head of a family without a homestead there shall be donated one hundred and sixty acres of public land, upon condition that he will select and locate said land, and occupy the same three years, and pay the office fees due thereon. To all single men of eighteen years of age and upwards shall be donated eighty acres of public land, upon the terms and conditions prescribed for heads of families.

SEC. 7. The State of Texas hereby releases to the owner or owners of the soil all mines and minerals that may be on the same, subject to taxation as other property.

SEC. 8. Persons residing between the Nueces river and the Rio Grande, and owning grants for lands which emanated from the government of Spain, or that of Mexico, which grants have been recognized and validated by the state, by acts of the legislature, approved February 10, 1852, August 15, 1870, and other acts, and who have been prevented from complying with the requirements of said acts by the unsettled condition of the country, shall be allowed until the first day of January, 1880, to complete their surveys and the plots thereof, and to return their field-notes to the general land office, and all claimants failing to do so shall be forever barred; *provided*, nothing in this section shall be so construed as to validate any titles not already valid, or to interfere with the rights of third persons.

ARTICLE XV.

IMPEACHMENT.

SECTION 1. The power of impeachment shall be vested in the house of representatives.

SEC. 2. Impeachment of the governor, lieutenant-governor, attorney-general, treasurer, commissioner of the general land office, comptroller, and the judges of the supreme court, court of appeals and district courts, shall be tried by the senate.

SEC. 3. When the senate is sitting as a court of impeachment, the senators shall be on oath, or affirmation, impartially to try the party impeached, and no person shall be convicted without the concurrence of two-thirds of the senators present.

SEC. 4. Judgment in cases of impeachment shall extend only to removal from office, and disqualification from holding any office of honor, trust, or profit, under this state. A party convicted on impeachment shall also be subject to indictment, trial and punishment, according to law.

SEC. 5. All officers against whom articles of impeachment may be preferred shall be suspended from the exercise of the duties of their office during the pendency of such impeachment. The governor may make a provisional appointment to fill the vacancy occasioned by the suspension of an officer until the decision on the impeachment.

SEC. 6. Any judge of the district courts of the state who is incompetent to discharge the duties of his office, or who shall be guilty of partiality, or oppression, or other official misconduct, or whose habits and conduct are such as to render him unfit to hold such office, or who shall negligently fail to perform his duties as judge, or who shall fail to execute in a reasonable measure the business in his courts, may be removed by the supreme court. The supreme court shall have original jurisdiction to hear and determine the causes aforesaid when presented in writing upon the oaths, taken before some judge of a court of record, of not less than ten lawyers, practicing in the courts held by such judge, and licensed to practice in the supreme court; said presentment to be founded either upon the knowledge of the persons making it or upon the written oaths as to the facts of creditable witnesses. The supreme court may issue all needful process and prescribe all needful rules to give effect to this section. Causes of this kind shall have precedence and be tried as soon as practicable.

SEC. 7. The legislature shall provide by law for the trial and removal from office of all officers of this state, the modes for which have not been provided in this constitution.

ADDRESS.

SEC. 8. The judges of the supreme court, court of appeals and district courts, shall be removed by the governor on the address of two-thirds of *each house of the legislature*, for wilful neglect of duty, incompetency, *habitual drunkenness*, oppression in office, or other reasonable cause which

shall not be sufficient ground for impeachment ; *provided, however*, that the cause or causes for which such removal shall be required shall be stated at length in such address and entered on the journals of each house ; *and provided further*, that the cause or causes shall be notified to the judge so intended to be removed, and he shall be admitted to a hearing in his own defense before any vote for such address shall pass ; and in all such cases the vote shall be taken by yeas and nays and entered on the journals of each house respectively.

ARTICLE XVI.

GENERAL PROVISIONS.

SECTION 1. Members of the legislature and all officers, before they enter upon the duties of their offices, shall take the following oath or affirmation : " I,, do solemnly swear (or affirm), that I will faithfully and impartially discharge and perform all the duties incumbent upon me as, according to the best of my skill and ability, agreeably to the constitution and laws of the United States and of this state; and I do further solemnly swear (or affirm), that since the adoption of the constitution of this state, I, being a citizen of this state, have not fought a duel with deadly weapons, within this state nor out of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons, nor have I acted as second in carrying a challenge, or aided, advised or assisted any person thus offending : And I furthermore solemnly swear (or affirm), that I have not, directly nor indirectly, paid, offered or promised to pay, contributed nor promised to contribute, any money or valuable thing, or promised any public office or employment, as a reward for the giving or withholding a vote at the election at which I was elected (or, if the office is one of appointment, to secure my appointment) : So help me God."

SEC. 2. Laws shall be made to exclude from office, serving on juries, and from the right of suffrage, those who may have been or shall hereafter be convicted of bribery, perjury, forgery or other high crimes. The privilege of free suffrage shall be protected by laws regulating elections, and prohibiting under adequate penalties all undue influence therein from power, bribery, tumult, or other improper practice.

SEC. 3. The legislature shall make provision whereby persons convicted of misdemeanors and committed to the county jails in default of payment of fines and costs, shall be required to discharge such fines and costs by manual labor, under such regulations as may be prescribed by law.

SEC. 4. Any citizen of this state who shall, after the adoption of this constitution, fight a duel with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons, either within this state or out of it, or who shall act as second, or knowingly assist in any manner those thus offending, shall be deprived of the right of suffrage, or of holding any office of trust or profit under this state.

SEC. 5. Every person shall be disqualified from holding any office of profit or trust in this state who shall have been convicted of having given or offered a bribe to procure his election or appointment.

SEC. 6. No appropriation for private or individual purposes shall be

made. A regular statement under oath, and an account of the receipts and expenditures of all public money, shall be published annually, in such manner as shall be prescribed by law.

SEC. 7. The legislature shall in no case have power to issue "treasury warrants," "treasury notes," or paper of any description intended to circulate as money.

SEC. 8. Each county in the state may provide, in such manner as may be prescribed by law, a manual labor poor-house and farm, for taking care of, managing, employing and supplying the wants of its indigent and poor inhabitants.

SEC. 9. Absence on business of the state or of the United States shall not forfeit a residence once obtained, so as to deprive any one of the right of suffrage, or of being elected or appoint to any office, under the exceptions contained in this constitution.

SEC. 10. The legislature shall provide for deductions from the salaries of public officers who may neglect the performance of any duty that may be assigned them by law.

SEC. 11. The legal rate of interest shall not exceed eight per cent per annum, in the absence of any contract as to the rate of interest; and by contract parties may agree upon any rate not to exceed twelve per cent per annum. All interest charged above this last named rate shall be deemed usurious, and the legislature shall at its first session provide appropriate pains and penalties to prevent and punish usury. [Const. 1876.]

[Sec. 11, Art. 16, declared adopted September 22, 1891.]

SEC. 11. All contracts for a greater rate of interest than ten per centum per annum shall be deemed usurious, and the first legislature after this amendment is adopted shall provide appropriate pains and penalties to prevent the same; but when no rate of interest is agreed upon, the rate shall not exceed six per centum per annum.

SEC. 12. No member of congress, nor person holding or exercising any office of profit or trust under the United States, or either of them, or under any foreign power, shall be eligible as a member of the legislature, or hold or exercise any office of profit or trust under this state.

SEC. 13. It shall be the duty of the legislature to pass such laws as may be necessary and proper to decide differences by arbitration, when the parties shall elect that method of trial.

SEC. 14. All civil officers shall reside within the state, and all district or county officers within their districts or counties, and shall keep their offices at such places as may required by law; and failure to comply with this condition shall vacate the office so held.

SEC. 15. All property, both real and personal, of the wife, owned or claimed by her before marriage, and that acquired afterward by gift, devise or descent, shall be her separate property; and laws shall be passed more clearly defining the rights of the wife in relation as well to her separate property as that held in common with her husband. Laws shall also be passed providing for the registration of the wife's separate property.

SEC. 16. No corporate body shall hereafter be created, renewed or extended with banking or discounting privileges.

SEC. 17. All officers within this state shall continue to perform the duties of their offices until their successors shall be duly qualified.

SEC. 18. The rights of property and of action, which have been acquired

under the constitution and the laws of the republic and state, shall not be divested ; nor shall any rights or actions which have been divested, barred, or declared null and void by the constitution of the republic and state, be reinvested, renewed, or reinstated by this constitution ; but the same shall remain precisely in the situation which they were before the adoption of this constitution, unless otherwise herein provided ; *and provided further*, that no cause of action heretofore barred shall be revived.

SEC. 19. The legislature shall prescribe by law the qualification of grand and petit jurors.

SEC. 20. The legislature shall, at its first session, enact a law whereby the qualified voters of any county, justice's precinct, town or city, by a majority vote, from time to time, may determine whether the sale of intoxicating liquors shall be prohibited within the prescribed limits. [Const. 1876.]

[Sec. 20, Art. 16, declared adopted September 22, 1891.]

SEC. 20. The legislature shall at its first session enact a law whereby the qualified voters of any county, justice's precinct, town, city (or such subdivision of a county as may be designated by the commissioner's court of said county) may by a majority vote determine from time to time whether the sale of intoxicating liquors shall be prohibited within the prescribed limits.

SEC. 21. All stationery and printing, except proclamations and such printing as may be done at the deaf and dumb asylum, paper and fuel used in the legislative and other departments of the government, except the judicial department, shall be furnished and the printing and binding of the laws, journals and department reports, and all other printing and binding, and the repairing and furnishing the halls and rooms used for the meetings of the legislature and its committees, shall be performed under contract, to be given to the lowest responsible bidder, below such maximum price and under such regulations as shall be prescribed by law. No member or officer of any department of the government shall be in any way interested in such contracts ; and all such contracts shall be subject to the approval of the governor, secretary of state and comptroller.

SEC. 22. The legislature shall have the power to pass such fence laws, applicable to any subdivision of the state or counties, as may be needed to meet the wants of the people.

SEC. 23. The legislature may pass laws for the regulation of live stock, and the protection of stock-raisers in the stock-raising portion of the state, and exempt from the operation of such laws other portions, sections or counties ; and shall have power to pass general and special laws for the inspection of cattle, stock and hides, and for the regulation of brands ; *provided*, that any local law thus passed shall be submitted to the freeholders of the section to be affected thereby, and approved by them before it shall go into effect.

SEC. 24. The legislature shall make provision for laying out and working public roads, for the building of bridges, and for utilizing fines, forfeitures and convict labor to all these purposes.

SEC. 25. That all drawbacks and rebatement of insurance, freight, transportation, carriage, wharfage, storage, compressing, baling, repairing, or for any other kind of labor or service, of or to any cotton, grain

or any other produce or article of commerce in this state, paid or allowed or contracted for, to any common carrier, shipper, merchant, commission merchant, factor, agent, or middle man of any kind, not the true and absolute owner thereof, are forever prohibited, and it shall be the duty of the legislature to pass effective laws punishing all persons in this state who pay, receive, or contract for or respecting the same.

SEC. 26. Every person, corporation or company that may commit a homicide, through wilful act or omission or gross neglect, shall be responsible in exemplary damages to the surviving husband, wife, heirs of his or her body, or such of them as there may be, without regard to any criminal proceeding that may or may not be had in relation to the homicide.

SEC. 27. In all elections to fill vacancies of office in this state, it shall be to fill the unexpired term only.

SEC. 28. No current wages for personal service shall ever be subject to garnishment.

SEC. 29. The legislature shall provide by law for defining and punishing barratry.

SEC. 30. The duration of all offices not fixed by this constitution shall never exceed two years.

SEC. 31. The legislature may pass laws prescribing the qualifications of practitioners of medicine in this state, and to punish persons for malpractice, but no preference shall ever be given by law to any schools of medicine.

SEC. 32. The legislature may provide by law for the establishment of a board of health and vital statistics, under such rules and regulations as it may deem proper.

SEC. 33. The accounting officers of this state shall neither draw nor pay a warrant upon the treasury in favor of any person, for salary or compensation as agent, officer or appointee, who holds at the same time any other office or position of honor, trust or profit, under this state or the United States, except as prescribed in this constitution.

SEC. 34. The legislature shall pass laws authorizing the governor to lease or sell to the government of the United States a sufficient quantity of the public domain of the state necessary for the erection of forts, barracks, arsenals, and military stations or camps, and for other needful military purposes; and the action of the governor therein shall be subject to the approval of the legislature.

SEC. 35. The legislature shall, at its first session, pass laws to protect laborers on public buildings, streets, roads, railroads, canals and other similar public works, against the failure of contractors and sub-contractors to pay their current wages when due, and to make the corporation, company or individual for whose benefit the work is done, responsible for their ultimate payment.

SEC. 36. The legislature shall, at its first session, provide for the payment or funding, as they may deem best, of the amounts found to be justly due to the teachers in the public schools by the state, for service rendered prior to the 1st day of July, 1873, and for the payment by the school districts in the state of amounts justly due teachers of public schools by such district to January, 1876.

SEC. 37. Mechanics, artisans and material men, of every class, shall

have a lien upon the buildings and articles made or repaired by them, for the value of their labor done thereon, or material furnished therefor ; and the legislature shall provide by law for the speedy and efficient enforcement of said liens.

SEC. 38. The legislature may, at such time as the public interest may require, provide for the office of commissioner of insurance, statistics and history, whose term of office, duties and salary shall be prescribed by law.

SEC. 39. The legislature may, from time to time, make appropriations for preserving and perpetuating memorials of the history of Texas, by means of monuments, statues, printings, and documents of historical value.

SEC. 40. No person shall hold or exercise, at the same time, more than one civil office of emolument, except that of justice of the peace, county commissioner, notary public and postmaster, unless otherwise specially provided herein.

SEC. 41. Any person who shall, directly or indirectly offer, give or promise, any money or thing of value, testimonial, privilege or personal advantage, to any executive or judicial officer or member of the legislature, to influence him in the performance of any of his public or official duties, shall be guilty of bribery, and be punished in such manner as shall be provided by law. And any member of the legislature, or executive or judicial officer, who shall solicit, demand or receive, or consent to receive, directly or indirectly, for himself or for another, from any company, corporation or person, any money, appointment, employment, testimonial, reward, thing of value or employment, or of personal advantage or promise thereof, for his vote or official influence, or for withholding the same, or with any understanding, expressed or implied, that his vote or official action shall be in any way influenced thereby, or who shall solicit, demand and receive any such money or other advantage, matter or thing aforesaid, for another, as the consideration of his vote or official influence, in consideration of the payment or promise of such money, advantage, matter or thing to another, shall be held guilty of bribery, within the meaning of the constitution, and shall incur the disabilities provided for said offenses, with a forfeiture of the office they may hold, and such other additional punishment as is or shall be provided by law.

SEC. 42. The legislature may establish an inebriate asylum, for the cure of drunkenness and reform of inebriates.

SEC. 43. No man or set of men shall ever be exempted, relieved or discharged, from the performance of any public duty or service imposed by general law, by any special law. Exemptions from the performance of such public duty or service shall only be made by general law.

SEC. 44. The legislature shall prescribe the duties, and provide for the election, by the qualified voters of each county in this state, of a county treasurer and a county surveyor, who shall have an office at the county seat, and hold their office for two years, and until their successors are qualified ; and shall have such compensation as may be provided by law.

SEC. 45. It shall be the duty of the legislature to provide for collecting, arranging and safely keeping such records, rolls, correspondence, and other documents, civil and military, relating to the history of Texas, as

may be now in the possession of parties willing to confide them to the care and preservation of the state.

SEC. 46. The legislature shall provide by law for organizing and disciplining the militia of the state, in such manner as they shall deem expedient, not incompatible with the constitution and the laws of the United States.

SEC. 47. Any person who conscientiously scruples to bear arms, shall not be compelled to do so, but shall pay an equivalent for personal service.

SEC. 48. All laws and parts of laws now in force in the State of Texas, which are not repugnant to the constitution of the United States or to this constitution, shall continue and remain in force as the laws of this state until they expire by their own limitation or shall be amended or repealed by the legislature.

SEC. 49. The legislature shall have power, and it shall be its duty, to protect by law from forced sale a certain portion of the personal property of all heads of families, and also of unmarried adults, male and female.

SEC. 50. The homestead of a family shall be, and is hereby protected from forced sale, for the payment of all debts except for the purchase money thereof, or a part of such purchase money, the taxes due thereon, or for work and material used in constructing improvements thereon, and in this last case only when the work and material are contracted for in writing, with the consent of the wife given in the same manner as is required in making a sale and conveyance of the homestead; nor shall the owner, if a married man, sell the homestead without the consent of the wife, given in such manner as may be prescribed by law. No mortgage, trust deed or other lien on the homestead shall ever be valid, except for the purchase money therefor, or improvements made thereon, as herein before provided, whether such mortgage, or trust deed, or other lien, shall have been created by the husband alone or together with his wife; and all pretended sales of the homestead involving any condition of defeasance shall be void.

SEC. 51. The homestead not in a town or city shall consist of not more than two hundred acres of land, which may be in one or more parcels, with the improvements thereon; the homestead in a city, town or village, shall consist of lot or lots, not to exceed in value five thousand dollars at the time of their designation as the homestead, without reference to the value of any improvements thereon; *provided*, that the same shall be used for the purposes of a home, or as a place to exercise the calling or business of the head of a family; *provided, also*, that any temporary renting of the homestead shall not change the character of the same, when no other homestead has been acquired.

SEC. 52. On the death of the husband or wife, or both, the homestead shall descend and vest in like manner as other real property of the deceased, and shall be governed by the same laws of descent and distribution, but it shall not be partitioned among the heirs of the deceased during the lifetime of the surviving husband or wife, or so long as the survivor may elect to use or occupy the same as a homestead, or so long as the guardian of the minor children of the deceased may be permitted, under the order of the proper court having the jurisdiction, to use and occupy the same.

SEC. 53. That no inconvenience may arise from the adoption of this

constitution, it is declared that all process and writs of all kinds which have been or may be issued and not returned or executed when this constitution is adopted, shall remain valid, and shall not be in any way affected by the adoption of this constitution.

SEC. 54. It shall be the duty of the legislature to provide for the custody and maintenance of indigent lunatics, at the expense of the state, under such regulations and restrictions as the legislature may prescribe.

SEC. 55. The legislature may provide annual pensions, not to exceed one hundred and fifty dollars per annum, to surviving soldiers or volunteers in the war between Texas and Mexico, from the commencement of the revolution in 1835, until the 1st of January, 1837; and also to the surviving signers of the declaration of independence of Texas; and to the surviving widows, continuing unmarried, of such soldiers and signers; *provided*, that no such pension be granted except to those in indigent circumstances, proof of which shall be made before the county court of the county where the applicant resides, in such manner as may be provided by law.

SEC. 56. The legislature shall have no power to appropriate any of the public money for the establishment and maintenance of a bureau of immigration, or for any purpose of bringing immigrants to this state.

SEC. 57. Three million acres of the public domain are hereby appropriated and set apart for the purpose of erecting a new state capitol and other necessary public buildings at the seat of government, said lands to be sold under the direction of the legislature; and the legislature shall pass suitable laws to carry this section into effect.

ARTICLE XVII.

MODE OF AMENDING THE CONSTITUTION OF THIS STATE.

SECTION 1. The legislature, at any biennial session, by a vote of two-thirds of all the members elected to each house, to be entered by yeas and nays on the journals, may propose amendments to the constitution, to be voted upon by the qualified electors for members of the legislature, ~~which~~ proposed amendments shall be duly published once a week for four weeks, commencing at least three months before an election, the time of which shall be specified by the legislature, in one weekly newspaper of each county in which such a newspaper may be published; and it shall be the duty of the several returning officers of said election to open a poll for, and make returns to the secretary of state of the number of legal votes cast at said election for and against said amendments; and if more than one be proposed, then the number of votes cast for and against each of them; and if it shall appear from said return that a majority of the votes cast have been cast in favor of any amendment the said amendment so receiving a majority of the votes cast shall become a part of this constitution, and proclamation shall be made by the governor thereof.

APPENDIX.

TEXAS FLAGS.

It would be difficult, at this remote period and with insufficient data, to settle positively the several claims which have been urged to the origin of the lone star flag. It is due to the memory of the Georgia battalion who were murdered at Goliad with Fannin, also a Georgian, and to the brave Alabamians, to place upon record the claims of their lone star flag, presented to them at Knoxville, Tennessee, in their passage through that State, *en route* for Texas, by Miss Troutman of that city.

Miss Troutman's flag was constructed of white silk, with an azure star of five points. On one side was the motto, "Liberty or Death;" on the reverse, in Latin, "Where Liberty dwells, there is my Country." This flag was floating at Goliad, and on the evening of the 8th of March, after a day of rejoicing over the news of the declaration of independence, in attempting to lower it as the sunset gun was fired, it became entangled in the cordage, and was so torn that it was left for time to destroy shred by shred.

A lone star flag was made and presented in 1835, by Mrs. Sarah R. Dawson of Harrisburg, Texas, to a Harrisburg company under Captain Andrew Robertson. This flag was red, white, and blue; the star, white and five pointed, was set in a ground of red.

Over the cabin in which the declaration of independence was signed, floated a flag with the design of a sinewy hand grasping a red sword, and underneath this a lone star flag. The flag under which those consecrated men in the Alamo laid down their lives was the emblem of constitutional

liberty in Mexico—the Mexican tri-color, with “1824” stamped upon it. The news of the declaration of independence never reached them.

The volunteer companies from the United States brought with them colors presented by their lady friends in the locality, and were thrown to the breeze wherever the foes of Texas were to be met ; General Sidney Sherman’s flag, presented by the ladies of Newport, Kentucky, waved at San Jacinto, and was afterward presented to Mrs. Sherman by the war department, with the justly bestowed praises of that brave officer and his chivalrous band.

The present national banner of Texas was adopted by the first Congress of the Republic. It is red, white, and blue. The star is white, five pointed, the fifth point at the top, set in a perpendicular light blue ground which is next to the staff, and one-third the width of the whole flag ; from this come the two stripes, one red and at the bottom, the white being above.

GOVERNORS AND PRESIDENTS OF TEXAS.

Provisional Governor before the Republic.

HENRY SMITH, 1835-36.

President ad interim of the Republic.

DAVID G. BURNET, March to October, 1836.

SAM HOUSTON, October, 1836, to December, 1838.

MIRABEAU B. LAMAR, December, 1838, to December, 1841.

SAM HOUSTON, December, 1841, to December, 1844.

DR. ANSON JONES, December, 1844, to February, 1846.

Governors as a State of the Union.

JAMES PINKNEY HENDERSON, February, 1846, to November, 1847.

GEO. T. WOOD, November, 1847, to November, 1849.

PETER H. BELL, November, 1849, to November, 1853.

ELISHA M. PEASE, November, 1853, to November, 1857.

HARDIN R. RUNNELS, November, 1857, to November, 1859.

SAM HOUSTON, November, 1859, to March, 1861.

EDW. CLARK, March, 1861, to November, 1861.

F. R. LUBBOCK, November, 1861, to November, 1863.

PENDLETON MURRAH, November, 1863, to May, 1865.

Provisional Governor after the Surrender.

A. J. HAMILTON (appointed), June, 1865, to July, 1866.

J. W. THROCKMORTON (elected), July, 1866, to August, 1867.

E. M. PEASE (military), 1867, to 1868.

E. J. DAVIS (elected), April, 1870, to January, 1874.

RICHARD COKE, January, 1874, to December, 1876.

R. B. HUBBARD, December, 1876, to January, 1879.

O. M. ROBERTS, January, 1879, to January, 1883.

JOHN IRELAND, January, 1883, to January, 1887.

L. S. ROSS, January, 1887, to January, 1891.

JAMES S. HOGG, January, 1891, to January, 1895.

PRONUNCIATIONS.

Adaes, Ah-dah-ace.	Filisola, Fe-le-so'-lah.
Armijo, Ar-me-ho.	Franquis, Frahn-kees.
Anastasé, Ah-nahs-tah-za.	Guadalupe, Gwah-dah-loo'-pa.
Assaesi, Ahs-sah-a-see.	Gachupin, Gah'-choo-peen.
Amaya, Ah-mah-e-ah.	Galvez, Gal-vace'.
Alazan, Ah-lah-zan.	Gutierrez, Goo-te-a'-res.
Alvimar, Ahl-ve-marh.	Hebert, E-bear.
Alamo, Ah'-lah-mo.	Hiens, He-an'.
Alvarez, Ahl-vah-race.	Hidalgo, E-dahl'-go.
Alcalde, Ahl-cahl-da.	Herrera, A-ra-rah.
Ayuntamiento, Ah-yoon-tah-me-ane-to.	Iberville, E-bur-veal.
Anahuac, Ah-nah-wack'.	Iturbide, E-tur-be-da.
Bexar, Ba'-har.	Jesus, Ha-soos.
Bustillos, Boos-teel-yos.	José, Ho-sa.
Bienville, Be-on-veal.	Joaquin, Hoo-ah-keen'.
Bautisto, Bah-oo-tees-to.	Juan, Hoo-ahn'.
Bustamente, Boos-tah-mān-ta.	Joli, Zho-lee.
Burnet, Bur'-net.	Lipan, Le-pahn.
Canales, Kah-nah'-las.	Liarez, Le-wah'-res.
Cardenas, Kar-da'-nas.	Liotot, Le-o-to'.
Carbajal, Kah-bah-hal.	Lavaca, Lah-vah-cah.
Cervillos, Sur-vahl'-yos.	La Bahia, Lah Bah-he-ah.
Coahuila, Ko-ah-we'-lah.	Marque, Mark.
Cordero, Kor-da'-ro.	Mezquit, Maz-keet'.
Carancahua, Kah-rah'n'-kah-wah.	Manchaca, Man-shac-ah.
Chihuahua, Che-wah'-wah.	Medina, Ma-de-nah.
Capistran, Kah-pace-tran'.	Mina, Me-nah.
Corpus Christi, Kor-pus Krees-te.	Martin, Mar-teen.
Delgado, Dale-gah-do.	Manuel, Man-wail.
Du Haut, Doo-ho'.	Morelos, Mo-ra'-los.
Diezmo, De-ace-mo.	Mexia, Ma-he-ah.
Espada, A-spah-dah.	Manahuila, Man-ah-we-lah.
Estramaduro, A-strah-mah-doo'-ro.	

Maria, Mah-re-ah.

Mier, Me-ah.

Narvaez, Nar-vah-ace.

Nassonite, Nas-son-e-ta.

Neches, Na-chas.

Nueces, Nua-ces.

Nika, Ne-kah.

Ortiz, Or-tees.

Pedro, Pa'-dro.

Perez, Pa-race.

Pilar, Pe-larh.

Portilla, Por-teel-yah.

Placido, Plah'-se-do.

Plaza, Plah-sah.

Pueblo, Poo-a'-blo.

Presidio, Pra-se'-de-o.

Perote, Pa-ro-ta.

Queretero, Ka-ra'-ta-ro.

Ramon, Rah-moan'.

Rio Grande, Re-o Gran'-da.

Resaca, Ra-sah-kah.

Rio Gallinas, Re-o Gahl-ye'-nahs.

Rosario, Ro-sah'-re-o.

Refugio, Ra-foo'-he-o.

Rodriguez, Ro-dre-gace'.

Santa Fé, Sahn-tah Fa'.

San Saba, Sahn Sah'-bah.

San Felipe, Sahn Fa'-le-pa.

Saltillo, Sahl-teel'-yo.

Salinas, Sah'-le-nahs.

San Luis Potosi, Sahn Loo-ees' Po-to-sé.

Salado, Sah-lah'-do.

Sesma, Sase-mah.

Teran, Ta-rahn'.

Tehias, Ta-he'-ahs.

Tehuacano, Ta-wah-cah-no.

Toncahuas, Ton-cah-wahs.

Trespalacios, Trace-pah-lah-se-os.

Ulloa, Oo-lo'-ah.

Ugartechea, Oo-garh-ta-cha'-ah.

Urea, Oo-ra'-ah.

Velero, Va-la'-ro.

Vallejo, Vahl-ya'-o.

Velasco, Va-lahs'-ko.

Vera Cruz, Va-rah Kroos'.

Vizaron, Ve-zah-roan'.

Viesca, Ve-ace'-kah.

Villa, Veal-yah.

Venibides, Va-ne-be'-das.

Woll, Wahl.

Xavier, Zah-ve'-airh.

Ysleta, E-sla'-tah.

Zacatecas, Zah-kah-ta'-cas.

Zambrano, Zahm-brahn'-o.

Zavala, Zah-vah'-lah.

INDEX.

- AGUAYAS, Marquis de, 27.
 Ahumada, 74.
 Allen, Wm. Y., 229.
 Alarconne, 27.
 Allen, Mrs., 58.
 Alvimar, Octaviano, 41.
 Allen, Samuel T., 80.
 Alsbury, Mrs., 182.
 Almonte, Juan N., 100, 148, 149,
 153, 158.
 Alexander, Robert, 229.
 Amat, 156.
 Ampudia, General, 205, 207-209.
 Anastasé, Father, 20.
 Andrews, Richard, 112.
 Andrada, General, 162.
 Anderson, Kenneth L., 224.
 Andrews, Dr. Robert, 64.
 Arredondo, Joaquin, 48, 50, 61,
 66.
 Archer, Branch T., 80, 114-116,
 159.
 Arista, General, 227.
 Armijo, 186, 187.
 Austin, Moses, 60, 61.
 Austin, John, 58.
 Austin, William, 116.
 Austin, James Brown, 64.
 Austin, Stephen F., 61-72, 74-76,
 88, 89, 91, 94, 95, 100, 101, 104,
 107, 110-112, 115, 116, 159, 163,
 165.
 Aury, Louis d', 51, 52.
 Ayers, David, 229.
 BAGS, Joseph, 228.
 Bacon, Sumner, 229.
 Baker, John R., 205.
 Baylor, Robert E. B., 226.
 Baird, Spruce M., 231.
 Barnard, 142.
 Bastrop, Baron de, 61, 66, 72.
 Banks, General, 242-244.
 Barbier, Sieur, 20.
 Barragan, General, 209.
 Barrett, 106.
 Baker, Mosely, 146.
 Bell, Peter H., 232, 243.
 Bell, Josiah H., 64, 229.
 Berry, Francis, 70.
 Berry, Joseph, 207.
 Bean, Ellis P., 38, 39, 54, 74, 75,
 79.
 Benthuyssen, Van, 169.
 Beaujean, 19.
 Belleisle, 28.
 Beales, John Charles, 97, 98.
 Bienville, 25.
 Bird, James, 182, 195.
 Billingsly, Jesse, 197.
 Black, 59.
 Blanco, Victor, 72.
 Blackburn, Ephraim, 38.
 Bowles, Chief, 176, 177.
 Bowie, James, 34, 87, 88, 111-113,
 117, 125.
 Bonham, James B., 34, 129, 130.
 Bogarra, Father, 35.
 Bonner, Thomas R., 250, 251.
 Bradburn, 79, 80-82.
 Bradley, Thomas, 11, 81.
 Brenham, Richard F., 185.
 Brown, Henry S., 83-85.
 Brown, Reuben R., 134, 135.
 Brown, Jeremiah, 161.
 Brown, Jacob, 227.
 Brown, John Henry, 191, 236.
 Bryant, Benjamin, 171.
 Butler, 93.
 Burnham, Jesse, 65.
 Burnet, David G., 75, 94, 136, 137,
 149, 156, 158, 163, 164, 169, 172,
 188.
 Burns, 60.

- Burford, Nat. M., 245.
 Buster, Claudius, 205.
 Burleson, Edward, 14, 110, 116-118, 146, 151, 154, 170, 177, 182, 188, 192, 199, 200, 224, 233.
 Burleson, Jonathan, 170.
 Burleson, James, 117.
 Burleson, Jacob, 170.
 Burns, A. D., 243.
 Bustillos Y. Cervillos, Juan Antonio, 29.
 Bustamente, Anastasia, 78, 79, 82, 86, 88.
 Bullock, John W., 87.
 Burton, Isaac, 160, 161.

 CASTRO, Henry, 216.
 Callahan, James H., 191.
 Canby, E. N. R., 247.
 Cameron, Dr. John, 104.
 Cameron, Ervin, 194, 195, 205, 207, 212.
 Carbajal, J. M. J., 106, 107, 178.
 Campbell, Alexander, 106.
 Castrillon, 152.
 Candelaria, Señora, 134.
 Carson, Sam P., 137.
 Caldwell, Mathew, 175, 182, 186, 195, 196, 198, 210.
 Canales, General, 194.
 Campbell, 170.
 Canalizo, Valentino, 174, 175, 180.
 Canales, Licentiate A., 178.
 Cardenas, José Jesus, 178.
 Castanado, 108, 109.
 Capistran, Fray Juan, 22, 23.
 Caeser, 28.
 Casas, Bautisto, 42.
 Canoma, 99.
 Casa Furte, 29, 31, 32.
 Childress, Frank, 169.
 Chilton, Horace, 255.
 Chevalie, Michael, 191.
 Chandler, 215.
 Chriesman, Horace, 89.
 Christy, Col., 58-60.
 Chaplin, 71.
 Chirino, Encarnacion, 87.
 Clark, Gov., 239.
 Clark, David, 169.
 Clay, Nestor, 89, 94.
 Claiborne, Gov., 41.
 Conde, Nicolas, 107, 108, 188.
 Cook, Jas. R., 201.
 Cooke, P. St. George, 214.
 Cortina, Chief, 237.
 Coke, Richard, 249, 250.
 Cordova, Vicente, 174, 175, 196, 197.
 Coleman, Mrs. R. M., 169.
 Cos, Gen., 105, 107, 112, 113, 120, 127, 150, 153, 159.
 Coombes, Frank, 185.
 Coronado, 17.
 Cortez, Hernando, 17.
 Columbus, Christopher, 17.
 Cordero, 41.
 Colingsworth, James, 109, 159, 160, 166, 175, 176, 183.
 Crockett, David, 34, 130.
 Crozat, Anthony, 24.
 Crosby, Mrs., 181, 182.
 Crockett, J. M., 240.

 DAVIS, James, 192.
 Davis, E. J., 247, 248, 249.
 Davis, Jefferson, 239.
 Davenport, 56.
 Dawson, Nicolas, 198.
 Dallas, George M., 224.
 De Bray, X. B., 243.
 De Lara, Bernardo G., 40, 47.
 Delgado, 49.
 De Leon, Alonzo, 21, 22, 35, 76, 96.
 De Marle, 20.
 Des Loges, 19.
 De Witt, Green, 65, 69, 76.
 De Soto, 97.
 Dexter, Peter B., 114.
 Dimmitt, Philip, 110, 113.
 Dickenson, Mrs., 132.
 Donoho, Wm., 98.
 Durbin, Basil, 70.
 Duhaut, 20.
 Du Hamel, 19.
 Duque, 130.

 EATON, Benj., 229.
 Eastland, Wm. M., 169, 205.
 Edgar, Dr., 58.
 Edwards, Haden, 65, 70-72.
 Edwards, Benj., 72, 73.
 Edwards, Asa M., 88.

- Ehrenberg, 140.
 Elisondo, 47, 48.
 Ellis, Richard, 135, 164.
 Erath, Geo. B., 169, 236.
 Exter, Richard, 97.

 FARIAS, Manuel Gomez, 94, 95.
 Fannin, James, 111, 112, 123, 125,
 128, 129, 133, 136, 139, 140, 143.
 Farnessé, Charles de, 230.
 Fisher, Henry F., 217.
 Fields, 71, 142.
 Fisher, S. Rhoads, 169.
 Fisher, Wm. S., 166, 179, 205, 209.
 Filisola, Gen., 92, 94, 127, 144, 148,
 154-156, 174.
 Flanagan, J. W., 247.
 Fowler, Littleton, 229.
 Ford, John S., 237, 244, 245.
 Fontaine, Rev. E. L., 202.
 Forsythe, Dr., 43.
 Franques, Carlos de, 32.
 Franklin, Benj. C., 161, 166.
 Friar, David D., 191, 195.

 GAINES, Jas., 71.
 Garay, 127, 142.
 Garza, De la, 66, 90.
 Galvez, 50.
 Gaona, 146.
 Garrett, Bishop Alex. C., 229.
 Gillette, Rev. C. S., 229.
 Gilleland, Rev., 170.
 Gibbs, Barnett, 252.
 Gordon, Major, 52.
 Gonzales, Rafael, 68, 70.
 Gonzales, José, 31, 34.
 Grayson, P. W., 116, 159.
 Gritton, 106.
 Grant, Dr. Jas., 123, 124.
 Green, Thos. J., 205, 209.
 Gregg, Bishop David, 229.
 Greer, J. A., 231, 232.
 Green, Gen. Tom, 243, 244.
 Grant, Gen. U. S., 244, 247.
 Granger, Gen., 245.
 Griffin, Gen., 246, 247.
 Guerrero, 78, 79.
 Guadalupe, Victoria, 78.

 HAMILTON, M. C., 247.
 Hancock, Winfield S., 246.

 Harrison, Wm. H., 190.
 Hardeman, Wm. P., 243.
 Hall, Edward, 43, 123.
 Hardeman, Bailey, 137, 149, 154,
 156, 157.
 Harpe, Bernard de la, 25.
 Hall, D. C. Warren, 81.
 Hastings, Thos., 94.
 Harris, Mr. and Mrs., 98.
 Hawkins, 161.
 Hamilton, Jas., 170, 173.
 Hamilton, A. J., 245, 248.
 Hays, John C., 191, 195, 198, 202,
 227.
 Henderson, Jas. P., 164, 166, 170,
 183, 221, 224-226, 230.
 Hebert, P. O., 246.
 Herrera, Simon de, 40, 43, 51.
 Hemphill, John, 226.
 Hill, G. W., 214.
 Hines, Geron, 70.
 Hiens, 20.
 Hidalgo, Guadalupe, 42, 228.
 Holtzinger, Col., 141.
 Howland, 187.
 Hogg, J. S., 254, 255.
 Horton, Alex. C., 139, 143, 225.
 Hockley, Geo. W., 151.
 Horn, Mr. and Mrs., 98.
 Howard, Geo. T., 180.
 Houston, Gen. Sam., 94, 106, 115,
 122, 124-126, 133, 135-138, 146-
 156, 163, 167, 169-172, 174, 179,
 184, 189, 190, 192, 200, 219, 220-
 224, 226, 238, 239, 241.
 Houghton, 186.
 Huston, Felix, 166, 170, 182.
 Huston, Alanson, 144, 146.
 Hutchinson, Anderson, 226.
 Hurd, 161.
 Hunt, Memucan, 164.
 Hunter, J. D., 73, 75.
 Hubbard, Richard B., 249-251.
 Huicar, 31.

 IBERVILLE, 23.
 Ingram, Ira, 164.
 Ives, Caleb S., 229.
 Ireland, John, 252, 253.

 JACKSON, Andrew, 158, 167, 219, 223.
 Janes, Geo. W., 245.

- Jack, Patrick C., 80.
 Jack, Wm. H., 81.
 Jesus, Antonio de Margil, 28.
 Johnson, F. W., 57, 81, 89, 90, 116,
 123, 124, 134, 135.
 Johnson, H. B., 80.
 Johnston, Albert Sidney, 170.
 Johnson, M. T., 287.
 Johnston, Jos. E., 244.
 Jones, Anson, 167, 224, 225, 226,
 228.
 Jones, Jackson, 171.
 Jones, Wm. J., 177, 195.
 Jones, John E., 206, 226.
 Jones, Oliver, 94.
 Jones, Randall, 66, 67.
 Jones, Wm. E., 226.
 Jordan, S. W., 179.

 KARNES, H. W., 119, 162, 170.
 Kaufman, David S., 226.
 Kendall, Geo. W., 185, 186, 188.
 Kemper, 43, 46.
 Kerr, Jas., 69, 70, 94, 106.
 Kingsbury, Lieut., 41.
 Kinney, J. W., 229.
 King, Capt., 138, 147.
 Knight, Jas., 65.

 LAMAR, Mirabeau B., 151, 156, 157,
 163, 172, 174-178, 183, 184, 186,
 187.
 La Fitte, Jean, 53, 56.
 La Fitte, Pierre, 53.
 Lapham, 170.
 Lane, Walter P., 228.
 La Salle, 18, 22.
 Leftwich, Robert, 65.
 Leon, Martin de, 69, 70.
 Letona, 80.
 Lessasier, 94.
 Le Grand, A., 97.
 Lee, Robert E., 237, 244.
 Lewis, Wm. P., 187, 188.
 Lincoln, Abraham, 238.
 Liotot, 20.
 Lipscomb, Abner S., 226.
 Louis XIV., 18.
 Long, Jas., 56-60.
 Long, David, 56, 57.
 Lockhart, Bird, 116.
 Loving, 157.

 Lockhart, Matilda, 180.
 Lowe, John, 197.
 Luckett, 43.
 Lubbock, Frank R., 239, 241.
 Lyon, Capt., 169.

 MARGIL, Father, 34, 35.
 Macfarland, 48, 49.
 Manchaca, 48, 49.
 Martin, Wyley, 105, 107, 146.
 Magee, Augustus, 42, 44, 56.
 Martinez, Fray Damien, 21, 61, 62.
 Madero, Francisco, 80.
 Martin, Marion, 252.
 Martin, Albert, 109, 128.
 Magruder, J. B., 240-245.
 Marlin, Miss Adeline, 171.
 Marlin, John, 171.
 Marlin, Benj., 17.
 Maverick, Sam. L., 195.
 Majors, Gen., 243.
 McCulloch, Ben., 181-183, 191, 227,
 229.
 McLeod, Hugh, 186, 187.
 McMullen, 96.
 McKneely, Sam. W., 135.
 McGloin, 96.
 McKinstry, Geo. B., 80.
 Medina, 88.
 Mexia, José Antonio, 88, 210, 211.
 Millard, Col., 150, 151.
 Miles, Lieut., 169.
 Miller, Alsey S., 198.
 Miller, Burchard, 217.
 Miller, Jas. B., 90, 94.
 Milam, Ben. R., 58, 59, 104, 109,
 110, 116, 118-121.
 Mina, Francis Xavier, 51, 52.
 Mills, John T., 226.
 Mills, Roger Q., 255.
 Morris, Richard, 226.
 Mouton, Gen., 243.
 Morgan, Mrs. Jackson, 171.
 Morgan, John, 171.
 Morgan, George, 171.
 Morgan, Mrs. Wm., 171.
 Morgan, Jas., 146.
 Monclova, Count de, 21.
 Moranget, 20.
 Moore, J. H., 14, 109, 110, 181,
 198.
 Mordella, 58.

Moffat, 159.
 Muldoon, Padre, 83.
 Munro, Capt., 97.
 Musick, Jas., 70.
 Musquez, 37, 49, 91, 95.
 Murry, Thos. A., 205.
 Murrah, Pendleton, 242, 245.

NARVAEZ, Pamphilio de, 17.
 Narva, De, 34.
 Nangle, 34.
 Navarro, José Antonio, 185, 186.
 Neill, Jos. C., 118, 121, 124, 125, 149.
 Nika, 20.
 Norris, 71.
 Nolan, Philip, 36, 37, 56.
 Norton, M. P., 226.

OCHILTREE, Wm. B., 226.
 Odin, Bishop J. M., 212.
 Oñate, 17.
 Ortéaga, Juan, 212.
 Oris, 19.
 Orteza, Juan de Dios, 211.
 Overton, 42.
 Owen, Clark, 192.

PARKER, John, 96.
 Parker, Cynthia A., 237.
 Parmer, Martin, 73, 74.
 Perez, 43, 52, 57.
 Perry, 47, 50, 56.
 Perry, Emily M., 166.
 Pendleton, G. C., 254.
 Pedraza, 78, 82, 86, 88, 93.
 Pettus, William, 65.
 Pease, E. M., 234, 235, 246.
 Phelps, J. A. E., 157.
 Philip, King, 23.
 Pierson, J. G. W., 205.
 Pike, Z. M., 39, 40.
 Piedras, 79, 88.
 Pilgrim, T. J., 228.
 Pilsbury, T., 226.
 Placido, 14, 134.
 Porter, Lieutenant, 227.
 Portella, Colonel, 140, 143.
 Polk, Jas. K., 224.
 Potter, Robert, 137, 157.
 Ponton, Andrew, 27.
 Power, 96.
 Poinsett, J. R., 60.

RANDALL, Horace, 244.
 Ramon, Domingo, 28.
 Ramirez, 206.
 Reiley, Jas., 243.
 Renshaw, Com., 241.
 Reed, 99.
 Reynolds, J. J., 246, 247.
 Reese, C. K., 205.
 Ripley, General, 58.
 Rice, J. O., 176.
 Rodriguez, 59, 113, 134.
 Robertson, S. C., 65.
 Robinson, Jas. W., 115, 124, 166, 195.
 Robertson, J. G., 169.
 Ross, Reuben, 43, 47.
 Ross, L. S., 237, 253.
 Roberts, O. M., 238, 251.
 Robertson, William, 244.
 Ruter, Martin, 229.
 Runnells, Governor, 236.
 Russell, W. J., 83, 85.
 Ruez, Henry, 106.
 Rusk, T. J., 137, 153, 154, 156, 160, 162, 166, 174, 175, 226.

SANTA ANNA, 81-88, 92-94, 100-108, 127, 133-137, 144, 147, 149, 152, 154, 156, 158, 162, 190, 219.
 Salcedo, Manuel, 40, 43.
 Sancedo, José A., 68, 71, 72, 74.
 Savriego, Colonel, 209.
 Saget, 20.
 Salinas, Gregorio, 23.
 Sandoval, M. de, 31, 32.
 Sayers, J. D., 252.
 Scurry, W. R., 244.
 Scott, 43.
 Sesma, 127, 148, 156.
 Seguin, Erasmo, 61, 62, 94, 101.
 Seguin, Juan N., 174.
 Shackelford, 139, 141, 142.
 Sherman, Sidney, 146, 149, 150.
 Sherman, General, 244.
 Sheridan, General Philip, 246.
 Shipman, Moses, 228.
 Sinnickson, 207, 209.
 Slocum, 43.
 Slaughter, Gen., 244.
 Smith, Henry, 94, 100, 105, 115, 121-127, 164, 184, 223.
 Smith, "Deaf," 70, 110, 118, 155.

- Smith, Ben. F., 156.
 Smith, J. W., 169.
 Smith, William P., 229.
 Smith, Jos. M., 236.
 Smothers, 169.
 Snively, Captain, 214, 215.
 Somervell, Alexander, 200-204.
 Souverin, 81, 82, 86, 88.
 Solmes, Prince de, 216.
 St. Denis, 28, 30.
 Stiffler, 169.
 Steiner, J. M., 236.
 Strickland, 70.
 Story, L. J., 252.
 Stephenson, Henry, 228.

 TAYLOR, Anson, 43, 65.
 Taylor, Zachary, 227.
 Taylor, Richard, 243.
 Teal, Henry, 156, 162.
 Tenoria, Lieutenant, 107.
 Teran, Domingo de, 22, 79, 86.
 Tessier, 20.
 Thompson, Waddy, 188.
 "The Egg," 177.
 Thompson, David, 137.
 Thompson, Captain, 105, 116, 117, 161.
 Thompson, Alex., 229.
 Thornton, Captain, 227.
 Throckmorton, James W., 245, 246.
 Thurmond, Alfred, 211, 212.
 Tornel, General, 167.
 Toluca, 129.
 Tolca, 156.
 Travis, Wm. B., 106, 125, 127-130.
 Trespalacios, Felix, 58, 59, 66.
 Turner, Capt., 41.
 Tumlinson, J. J., 181.
 Twohig, John, 192.
 Tyler, Vice-President, 190, 225.

 UGARTECHEA, 79, 83-85, 105-107, 120, 144.
 Urea, 127, 135, 138, 141, 154, 156.

 VASQUEZ, 179, 192.
 Van Ness, Cornelius, 185.
 Van Ness, Geo., 185, 187.
 Van Zandt, 221, 222.
 Vehlin, Jos., 75.
 Venibides, 134.
 Vizaron, 32.
 Viesca, 103, 104, 110.

 WALLACE, 197.
 Wallers, John, 170.
 Walker, J. H., 14, 56, 57.
 Ward, Wm., 138, 139, 142, 147.
 Watts, H. O., 181.
 Ward, Lafayette, 182.
 Watts, Mrs., 182.
 Wedford, Wm., 222.
 Webster, Mr. and Mrs., 171.
 Westover, Ira, 113.
 White, W. C., 65.
 Wharton, W. H., 94, 115, 116, 159, 164, 167.
 Wharton, J. A., 105, 114, 174, 243, 244.
 Wheeler, Royal T., 226.
 Wheeler, F. B., 54.
 Wilkinson, Jas., 39, 41, 65.
 Wightman, John, 70.
 Williamson, Robert M., 94, 166.
 Wilbarger, Josiah, 99.
 Wilson, Hugh, 229.
 Woll, Adrian, 156, 194, 196-199, 209, 212, 219-222.
 Woods, Gonzalvo, 198.
 Wood, Geo. T., 227, 230, 231.
 Wren, Lieut. 169.

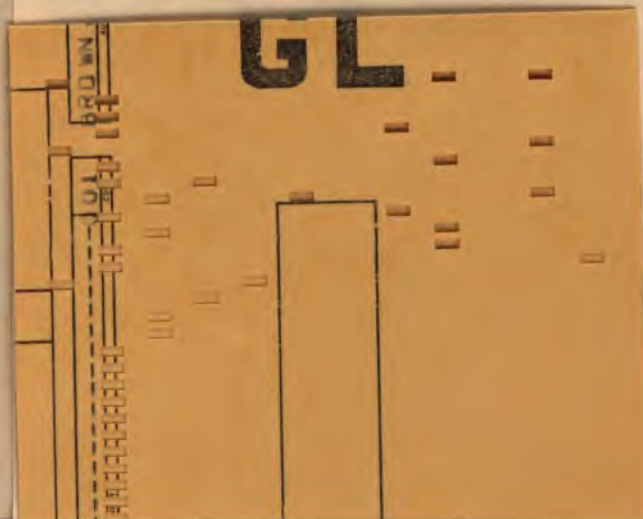
 YORK, John, 99.

 ZAVALA, Lorenzo de, 75, 78, 79, 106, 107, 110, 137, 156, 158, 164, 165.
 Zambrano, 42, 106, 107.
 Zumwalt, Adam, 181, 195.

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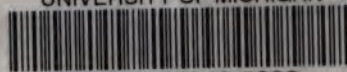
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INSTITUTE.

June 23, March 23.—The
 session of the teachers' institute
 today opened with fair weather.
 Attestant Carlisle addressed the in-
 stitute regarding the school bills now
 before the legislature. Leonard Lem-
 perintendent of public schools at Sher-
 born addressed the institute on the sub-
 ject of "American Literature." C. A. Bryant
 a publisher of the School Forum, ad-
 dressed the institute on school journals.
 Attestant Carlisle said that this was
 the greatest institute he had attended this
 year. There were 110 teachers present to-day.
 Following resolutions were submitted by
 committee and unanimously adopted by
 the county institute, and the secretary
 read to forward to each of the represen-
 tatives and senator from this county copies of
 the resolutions:
 Resolved, 1. That we favor the passage of
 bill No. 225 relating to the formation of
 counties in territory crossed by county lines.
 That this institute condemn as a whole
 bill No. 462, known as the "text book
 law" now pending before the legislature.
 That we heartily approve raising the
 school tax from 12½ to 20 cents.
 That we endorse the proposed amendment
 relating to a more efficient taking of the school
 census.
 That we favor the enactment of the law
 now pending looking to uniting the city, town
 and village corporation with the country dis-
 trict for school purposes only.
 The County Superintendent Brodly an-
 nounced to your correspondent to say that a ma-
 jority of the teachers of the institute are in
 favor of some kind of a uniform text book.

242 MAY 30

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